

BANKSTOWN-AUBURN COMMUNITY RADIO INCORPORATED

CONSTITUTION (RULES) OF THE ASSOCIATION

(AMENDED 24.6.2012 AT AGM 2012)

TABLE OF CONTENTS

1. NAME OF THE ASSOCIATION
 2. OBJECTS OF THE ASSOCIATION
 3. POWERS OF THE ASSOCIATION
 4. MEMBERSHIP OF THE ASSOCIATION
 - 4.1 MEMBERSHIP QUALIFICATIONS
 - 4.1.1 ORDINARY MEMBERSHIP
 - 4.1.2 ASSOCIATE MEMBERSHIP
 - 4.2 APPLICATION FOR MEMBERSHIP
 - 4.3 LIFE MEMBERSHIP
 - 4.4 CESSATION OF MEMBERSHIP
 - 4.5 MEMBERSHIP FEES AND MISCELLANEOUS FEES
 5. REGISTER OF MEMBERS
 6. REGISTER OF DIRECTORS
 7. PATRON
 8. MEMBERS' LIABILITY
 9. MEETINGS
 - 9.1 MEETINGS - GENERAL PROCEDURE
 - 9.1.1 QUORUM FOR GENERAL MEETINGS (AGM & SGM)
 - 9.1.2 QUORUM FOR MANAGEMENT COMMITTEE MEETINGS
 - 9.2 ANNUAL GENERAL MEETING
 - 9.3 MANAGEMENT COMMITTEE MEETINGS
 - 9.4 SPECIAL GENERAL MEETINGS
 - 9.5 NOTICE
 - 9.6 ADJOURNMENT
 - 9.7 MAKING OF DECISIONS
 - 9.8 SPECIAL RESOLUTIONS
 - 9.9 VOTING RIGHTS
 - 9.10 APPOINTMENT OF PROXIES
 10. CONTROL AND MANAGEMENT OF THE ASSOCIATION
 - 10.1 MANAGEMENT COMMITTEE
 - 10.2 FILLING MANAGEMENT COMMITTEE CASUAL VACANCIES
 - 10.3 POWERS OF THE MANAGEMENT COMMITTEE
 - 10.4 POWERS AND DUTIES OF MEMBERS OF THE MANAGEMENT COMMITTEE
 11. ADMINISTRATION
 - 11.1 FINANCE
 - 11.2 INSURANCE
 - 11.3 CUSTODY OF BOOKS
 - 11.4 INSPECTION OF RECORDS
 - 11.5 CORPORATE SEAL
 12. ALTERATION OF THE CONSTITUTION, RULES, BY-LAWS AND POLICIES OF THE ASSOCIATION
 13. WINDING UP (DISSOLUTION OF THE ASSOCIATION)
 14. COMPLIANCE WITH RELEVANT LEGISLATIONS
 15. DISCIPLINING OF MEMBERS
 - 15.1 PROCEDURE
 - 15.2 RIGHTS OF APPEAL OF DISCIPLINED MEMBERS
 16. DEFINITIONS (INTERPRETATION)
- APPENDIX 1 - APPLICATION FOR ORDINARY MEMBERSHIP
APPENDIX 2 - APPLICATION FOR ASSOCIATE MEMBERSHIP
APPENDIX 3 - FORM OF APPOINTMENT OF PROXY
ATTACHMENT 1: FOUNDING MEMBERS OF THE ASSOCIATION

BANKSTOWN-AUBURN COMMUNITY RADIO INCORPORATED

CONSTITUTION (RULES) OF THE ASSOCIATION

1. NAME

The organisation shall be known as "BANKSTOWN-AUBURN COMMUNITY RADIO INCORPORATED", which shall hereinafter in these Rules be referred to as "the Association" or "BACR".

2. OBJECTS

The objects of the Association are as follows.

- (1) To apply to the Australian Communications and Media Authority (ACMA) for a community broadcasting licence or licences and provide a community radio broadcast service and facility for the Bankstown, Auburn and adjacent suburbs, the geographical broadcast area being as defined by the ACMA. The geographical area including Bankstown and Auburn either licensed or potentially licensed to a community radio organisation by the ACMA is hereinafter called "the licensed area" or "licensed broadcast area".
- (2) To provide broadcast facilities for the information, needs, wants and entertainment of persons living within the licensed area.
- (3) To encourage participation of members of the community residing within the licensed area in Association activities, including in community radio program selection and program production.
- (4) To encourage participation of members of the Association in all aspects of the operations and management of Association activities.
- (5) To furnish, equip and maintain studios, production facilities and transmission facilities of professional quality as funds permit for use by the community resident in the licensed area.
- (6) To produce and to assist members of the community to produce programs to broadcast on the community radio station of the Association.
- (7) To promote and encourage the use of the community radio facility by special interest groups and disadvantaged groups.
- (8) To allow free-to-air broadcasting for genuine community service programs (as classified by the Management Committee).
- (9) To undertake financial transactions and enter into legal arrangements conducive to achieving any or all of the above mentioned objectives.
- (10) To operate as a non-profit Association and to ensure that broadcasters and members of the Association do not make a profit from the operations of the community broadcasting facility of the Association.

- (11) To ensure that the operations, administration and management of the Association comply with the legal requirements of all Federal, State and other applicable legislations, especially the legislation administered by the ACMA and the NSW Office of Fair Trading.
- (12) To co-operate with other community radio organisations provided it is for the benefit of the community within the Association's licensed broadcast area and for the benefit of members of the Association.
- (13) To seek to resolve, at low cost where possible, any and all disputes which may arise between members of the Association, and between members of the listening public and the Association, in all matters pertaining to the operations, administration and management of the Association.
- (14) To keep members of the Association informed in a timely way about the plans, activities and other matters important to the operations, administration and management of the Association.

The Objects of the Association may only be altered in accordance with the Rules of the Association and the relevant legislation of NSW.

3. POWERS

The powers of the Association shall include but not be limited to:

- 3.1 To act alone or with other representative bodies in ways for the benefit of community broadcasting within the licensed area.
- 3.2 To make Rules, By-laws and Policies not being inconsistent with any relevant legislation as may be deemed necessary, including the establishment of sub-committees, such as, a Program Selection Committee, and to provide written guidelines for the improved application of the Association's policies, procedures and activities of any sub-committee.
- 3.3 To consider and approve or reject any application for membership of the Association. Refer Rule 4.
- 3.4 To fix the Membership Joining Fees and Annual subscriptions of the Association as hereafter stated and to review the amount of subscriptions as from time to time may be necessary.
- 3.5 To select eligible persons by majority vote of ordinary members to hold positions on the Management Committee of the Association (hereinafter called "the Committee"). Refer Rule 10.
- 3.6 To consider and approve or reject applications from persons to be broadcasters on the Association's community radio station, and then manage, direct and control such broadcasters when presenting community radio broadcast programs for the Association; however, with reference to the objects, interpersonal harmony and other matters relevant to the operations of the Association, the Association reserves the right to either accept or reject any application to broadcast for the Association.

- 3.7 To encourage from residents of the licensed broadcast area, from persons working within the licensed broadcast area and from other interested persons, voluntary participation in the operations of the Association and its community radio facilities; however, with reference to the objects, interpersonal harmony and other matters relevant to the operations of the Association, the Association reserves the right to either accept or reject the voluntary services of any such volunteer.
- 3.8 To take all such steps as may be deemed necessary for the raising of funds for community radio broadcasting within the licensed area and for the purposes of the administration and management of the Association, provided such fund raising activities comply with the relevant legislations.
- 3.9 To select, appoint, direct and control where possible any person, persons, or entity (that is, firm, partnership, trust or corporation) engaged by the Association as deemed necessary in pursuance of the objects of the Association.
- 3.10 To financially remunerate a person or entity for any professional services or other labour services he/she/they/it may provide to the Association; however, except as authorised by the relevant legislation, financial remuneration shall not be paid to any person or entity for providing a community radio program or programs to be broadcast for the Association. The Association may employ a person or persons as may be required for carrying out the objects and Rules of the Association and for the furtherance of community radio broadcasting within the licensed broadcast area. The Association shall reimburse any member of the Association for his or her out-of-pocket expenses provided the expense was incurred in pursuance of an activity for the Association and was authorised by the Committee.
- 3.11 To obtain by purchase, lease, hire or loan, property for the holding of Association meetings, for broadcasting and otherwise for the use or promotion of the objects of the Association and to provide such other facilities as may be deemed necessary by the Management Committee.
- 3.12 To suspend, disqualify or otherwise deal with any member or officer thereof of the Association who has committed any breach of these Rules which, in the opinion of the Association, is unbecoming or contrary to the interests of the Association or community radio broadcasting within the licensed broadcast area.

4. MEMBERSHIP

4.1 MEMBERSHIP QUALIFICATIONS

A person may apply for either ordinary membership or associate membership of the Association, subject to the following qualifications.

4.1.1 ORDINARY MEMBERSHIP

A person is qualified to be an ordinary member of the Association if, but only if:

- (a) the person is a natural person, of sound mind and aged 18 years or more; or is an incorporated community organization with head office located in the Bankstown-Auburn RA1 licensed area;
- (b) has applied for membership of the Association as provided for in these Rules;
- (c) with the exception of Founding Members of the Association, the applicant must be a permanent resident of the licensed broadcast area for the Association, where "permanent resident" means living within the licensed broadcast area for 1 year or more (if so requested by the Management Committee, 2 items of proof of residency must be provided with the Application for Ordinary Membership)
- (d) has not been convicted of any felony in relation to fraud, robbery, misappropriation
- (e) has not been convicted of assault within the past 5 years
- (f) does not hold office in any Federal or State government body
- (g) is not a member of the Committee in any other community broadcasting organisation that wants to broadcast within the same broadcast area as the Association (this restriction may be waived for an applicant by the unanimous approval of all members of the BACR Management Committee);
- (h) is not a paid employee of any other community broadcasting organisation that wants to broadcast within the same broadcast area as the Association;
- (i) there is an absence of reasonable grounds to believe that the applicant would not abide by the Community Broadcasting Code of Practice;
- (j) there is an absence of reasonable grounds to believe that the applicant would not abide by the Constitution, Rules, Policies and Procedures or Objectives of the Association;
- (k) there is an absence of reasonable grounds to believe that the applicant would pose a security risk to the members or premises of the Association; and
- (l) the applicant is a person who has not previously been expelled as a member by the Association or by any other community broadcasting organisation.

The successful applicant must pay his/her Ordinary Membership Joining Fee and Annual Ordinary Membership Fee within 14 days of being approved as an Ordinary Member or the membership shall be cancelled.

Should an Ordinary Member change address to a place outside the licensed broadcast area, that member may continue as an Ordinary Member of the Association provided he/she continues to comply with the other Rules of the Association.

An Ordinary Member may not attend a Management Committee Meeting, except if asked by majority vote of the Management Committee.

4.1.2 ASSOCIATE MEMBERSHIP

Any natural person, of sound mind, aged 18 years or more, and any incorporated community organization, may apply for Associate Membership, including anyone or any organization rejected as an Ordinary Member. An applicant for Associate Membership does not have to reside within the licensed broadcast area.

Although the success or rejection of an Application for Associate membership shall be decided by the Committee with far less stringent requirements for the applicant to fulfill, the following matters shall be taken into account when considering the application:

- (1) there are reasonable grounds to believe that the applicant would not abide by the Community Broadcasting Code of Practice;
- (2) there are reasonable grounds to believe that the applicant would not abide by the Constitution, Rules, Policies and Procedures or Objectives of the Association;
- (3) there are reasonable grounds to believe that the applicant would pose a security risk to the members or premises of the Association; and
- (4) the applicant is a person who has previously been expelled as a member by the Association or by any other community broadcasting organisation.

The successful applicant must pay his/her Associate Membership Joining Fee and Annual Membership Fee within 14 days of being approved as an Associate Member or the membership shall be cancelled.

Restrictions on Associate Membership are:

- (i) Although an Associate Member may attend General Meetings (including any Annual General Meeting or Special General Meeting) of the Association, he/she may not attend a Management Committee Meeting, except if asked by majority vote of the Committee to take Minutes at a Meeting of the Management Committee;
- (ii) may not vote at any Meetings of Members, including by proxy or by postal ballot, and may not partake in any application by members for a Special Meeting to be held;
- (iii) may not be a Member of the Management Committee of the Association; however, an Associate Member may be an employee or unpaid volunteer for the Association.

Should the Applicant move to a permanent address within the broadcast area for the Association, application for Ordinary Membership may be made to the Committee and, if approved, the Membership Joining Fee shall be waived and any portion of his/her unexpired Annual Membership Fee shall be deducted from the Annual Membership Fee for an Ordinary Membership.

The Association shall be recognised by all Registered Members who shall adopt and obey the Rules and associated Policies of the Association.

4.2 APPLICATION FOR MEMBERSHIP

An application of a person for membership of the Association shall be lodged with the Secretary of the Association in writing in the form set out in

- **Appendix 1 (Application For Ordinary Membership) and**
- **Appendix 2 (Application For Associate Membership)**

to these Rules.

The Secretary of the Committee shall inform the Applicant in writing of the outcome of his/her application as soon as practicable after the meeting of the Committee at which the decision on membership is made and if membership has been refused shall notify the applicant of

- (a) the reasons for the refusal as recorded in the minutes of the relevant meeting of the Committee, and
- (b) the applicant's right to request a review pursuant to the following paragraphs of this rule.

Review of decision to refuse membership

Any unsuccessful applicant for membership may forward a letter to the Committee giving reasons why the Committee could have erred in rejecting his/her application. In such an event the Committee shall review its previous decision at the next Committee meeting in the light of any additional information supplied by the applicant.

An applicant who exercises the right of review, may also request the opportunity of addressing the Management Committee in addition to making a written submission, and providing written evidence. The Secretary shall notify the applicant of the right to request the opportunity of addressing the Management Committee.

The notification of review rights to the applicant by the Secretary shall request that the applicant provide any request for review and additional information in writing seven (7) days prior to the next scheduled meeting of the Management Committee. Failure to provide the request or supporting information within such time shall not be fatal to the review but if the applicant does not provide a request for review and additional information in writing within 28 days after the decision of the Management Committee is notified to the applicant, all rights of review shall be lost.

If the applicant requests the opportunity to address the Management Committee, the applicant shall be given not less than seven (7) days notice of the time and place of the meeting. The manner and timing of the address by the applicant shall be determined by the Chairman of the Management Committee in the light of the Agenda of the meeting but every endeavour shall be made to permit the applicant to address the Committee as soon as practicable after the appointed time as the applicant arrives at the meeting venue.

4.3 LIFE MEMBERSHIP

Any current ordinary member of the Association may be elected to be a life member of the Association.

Life members may resign their life membership status by writing to the Secretary of the Committee. Life members forfeit their life membership due to death, insanity, after expulsion from the Association for conviction in a Court of law for fraud or misappropriation, or for conviction in a Court of law for assault.

BACR may not have more than 2 Life Members at any one time.

Candidates for election as Life Members of the Association shall be nominated in writing to the Secretary of the Committee by two (2) ordinary members of the Association at least one (1) month before the General Meeting at which such nominations will be considered. Reference must be made in the written nomination to how much the person nominated for life membership has contributed to the survival and development of the Association, or the nomination shall be declared invalid.

The nominations must be approved by a majority of at least three-quarters (3/4) of the members present and voting at an Annual General Meeting or General Meeting. Proxy voting is not permitted for the election of Life Members.

A Life Member who is not an elected member of the Management Committee shall be an *ex officio* member of the Management Committee. Life Members shall be duly notified of and entitled to attend Special General Meetings and Annual General Meetings and any other meetings of the Association, including Management Committee Meetings, and a Life Member shall have full voting rights at all such meetings.

A Life Member does not have to pay any Annual Membership Fees.

4.4 CESSATION OF MEMBERSHIP

A person ceases to be a member of the Association and the Management Committee (creating a casual vacancy) if the person: -

- Dies;
- Becomes of unsound mind;
- Ceases to be financial (that is, does not pay the annual membership fee within 3 months of the end of the membership year);
- Resigns that membership (in the case of a Management Committee member - by notice in writing to the Secretary);
- Is expelled from the Association or is removed from the Management Committee by resolution of the Management Committee under the authority of the Rules of the Association.

4.5 MEMBERSHIP FEES AND MISCELLANEOUS FEES

All new members to the Association shall pay a Membership Joining Fee to the Association. The amount of the Membership Joining Fee to be paid by new Ordinary and Associate Members of the Association shall be determined each year by resolution of the Management Committee at a validly convened meeting.

All members shall pay an Annual Membership Fee as determined by the Committee, unless otherwise provided in this Constitution.

The amount of the Annual Membership Fee to be paid by Ordinary and Associate Members of the Association for the following year of membership shall be determined each year by resolution of the Management Committee at a validly convened meeting.

Members of the Management Committee may be exempted from paying annual membership fees whenever they remain members of the Management Committee. The Committee may by resolution passed on a majority vote at a Committee meeting exempt up to 3 persons from paying the Annual Membership Fee on the basis that such members have contributed greatly to the survival and development of the Association in the previous year of membership.

The Patron and Life Members are exempt from paying the annual membership fee.

After payment of the Annual Membership Fee, the members of the Association will be financial for 12 months between 1st January and 31st December of the year. Late payment of the annual membership fee exceeding 3 months means the member has lost his/her membership and the Membership Joining Fee must be paid with the Annual Membership Fee if the member wishes to remain a member of the Association, although submission of a new Membership Joining Form to the Committee will not be required.

A Registered Member ceases to be financial if he/she fails to pay the annual membership fee within 3 months of the end of the membership year (that is, no later than 31st March).

Any fines imposed by the Association on members must be paid within 14 days of the written notice of the fine or membership shall be cancelled. In such circumstances, the person who has been fined may rejoin the Association using the prescribed Membership Application form and pay all outstanding monies and the Membership Joining Fee again or the person's membership application shall be rejected.

5. REGISTER OF MEMBERS

The Secretary of the Association shall be responsible for establishing and maintaining the "Register of Ordinary (voting) Members" of the Association specifying the name and address of each person who is an Ordinary Member of the Association together with the date on which the person became an Ordinary member and the date the annual membership renewal fee was paid. The date a person ceases to be an Ordinary Member shall also be recorded there. This task may be delegated to the Committee Member - Registrations. Members of the Management Committee and Life Members, shall be exempted from paying annual membership fees whenever they remain members of the Management Committee and Life Members, respectively, and shall be recorded as Ordinary Members in the Register of Members.

The Secretary of the Association shall be responsible for establishing and maintaining the "Register of Associate (non-voting) Members" of the Association specifying the name and address of each person who is an Associate Member of the Association together with the date on which the person became an Associate Member and the date the annual membership renewal fee was paid. The date a person ceases to be an Associate Member shall also be recorded there. This task may be delegated to the Committee Member - Registrations.

A Register of voting members shall be kept at the principal place of administration of the Association or at the Office of the Accountant for the Association and shall be open for inspection, free of charge, by any member of the Association at any reasonable hour. The principal place of administration of the Association shall be determined each year by the majority vote of the members of the Management Committee, with the President or Acting Chairperson having a casting vote, if required.

6. REGISTER OF DIRECTORS

The members of the Board of Directors, also called the Management Committee, of the Association shall be recorded each year in the "Register Of Directors" of the Association.

The Association shall establish and maintain a Register of Directors specifying the name and address of each person who is a Director of the Association, the position on the Management Committee held by that director, together with the date on which the person became a Director and the date a person ceases to be a Director.

7. PATRON

The Management Committee may appoint one Patron, who must be an Ordinary Member of the Association, provided the person elected as Patron agrees in writing to accept the unpaid position.

Any nomination received for the Honorary Office of Patron shall be presented to any Management Committee meeting for ratification or rejection. The nominations must be approved by a majority of at least three-quarters (3/4) of the members of the Committee present at the Committee meeting or the nomination shall be considered rejected. Any motion to cancel any such appointment shall be presented to a Committee Meeting for ratification or rejection. The cancellation motion must be approved by a majority of at least three-quarters (3/4) of the members of the Committee present at the Committee meeting or the motion shall be considered rejected.

The position of patron is perpetual until a nomination for a new Patron or a nomination to cancel a person as Patron is presented to and passed by at least three-quarters (3/4) of the members of the Committee present at the meeting.

8. MEMBERS' LIABILITY

The liability of a Registered Member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association.

9. MEETINGS

9.1 MEETINGS - GENERAL PROCEDURE

The President shall take the chair at all meetings of the Management Committee and at all general meeting. In the President's absence, the chair shall be taken by whoever the members of the Management Committee decide by majority vote (in the absence of the President, the Chairperson so elected shall have a casting vote, if required).

If the President is not present within twenty (20) minutes of the time fixed for the commencement of the meeting, the members present shall elect a Chairperson by majority vote (to elect a replacement Chairperson, the Secretary shall have a casting vote, if required).

9.1.1 QUORUM FOR GENERAL MEETINGS (AGM AND SGN)

No item of business is to be voted at a General Meeting, including the Annual General Meeting (AGM) and Special General Meetings (SGM), unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

For General Meetings at least half of the Management Committee plus two (2) members present in person (being members entitled under these rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.

If within twenty minutes after the appointed time for the commencement of a General Meeting a quorum is not present, the meeting:

- (a) if convened upon the requisition of members, is to be dissolved; and
- (b) in any other case is to stand adjourned to the same day in the following week at the time and at the same place (unless another place is specified at the time of the adjournment by the persons at the meeting or communicated by written notice to members given the day before the day to which the meeting is adjourned). If at the adjourned meeting a quorum is not present within twenty minutes after the notified time for commencement of the meeting, the members present (being not less than four (4) members) is to constitute a quorum. The accidental omission to give any member the required notice shall not invalidate a General Meeting nor any of the business of the General Meeting.

Except as specifically provided for elsewhere in these Rules, questions arising at a General Meeting shall be determined by a simple majority of votes cast by eligible members. Each eligible member shall have one (1) vote to be taken in such a manner as the President or Chairperson shall direct, except that a secret ballot shall be taken if two (2) or more members eligible to vote request it. In the case of an equality of votes, the President (or the person otherwise presiding) shall, in addition, have a casting vote. No more than (1) proxy vote is permitted to be cast by each member voting at any General Meeting.

9.1.2 QUORUM FOR MANAGEMENT COMMITTEE MEETINGS

For the purposes of a meeting of the Management Committee, a quorum shall be at least half of the total number of elected members for the time being on the Management Committee, including members filling casual vacancies. *Ex officio* members present at the Management Committee meeting shall not count towards establishing a quorum of the Management Committee.

Except as specifically provided for elsewhere in these Rules, questions arising at an ordinary meeting of the Management Committee or any Sub-Committee are to be determined by a simple majority of votes cast by eligible members. Each eligible member shall have one (1) vote to be taken in such a manner as the President or Chairperson shall direct, except that a secret ballot shall be taken

if two (2) or more members eligible to vote request it. In the case of an equality of votes, the President (or the person otherwise presiding) shall, in addition, have a casting vote. There shall be no voting by proxy at any Management Committee Meeting or at any Sub-Committee Meeting.

9.2 ANNUAL GENERAL MEETING

An Annual General Meeting of the Association shall be held at least one (1) month after the end of the financial year, viz, after 31st January and in within 5 months of the end of the Association financial year, viz, within 5 months from 31st December each year.

There must be a quorum present (as defined in these Rules). Only financial Ordinary Members may vote.

Not less than twenty-one (21) days written notice of the Annual General Meeting (AGM) of the Association shall be given to each Office Bearer, Life Member and Ordinary Member of the Association. The place, date, time and Agenda for the AGM shall accompany such notice.

The business of the Annual General Meeting shall be:

- Confirmation of the Minutes of the previous Annual General Meeting and of any Special General Meeting held since the previous Annual General Meeting.
- To receive reports (which may be given orally) from the President and Secretary and any other members of the Management Committee on the activities of the Association during the preceding financial year.
- To receive and consider the Financial Statements of the Association for the preceding financial year and voting on acceptance of the Financial Statements for the reporting year. The financial statements shall consist of an Income & Expenditure Statement and a Balance Sheet.
- Voting on whether or not to appoint a qualified auditor for the following year (the name of the appointed auditor shall be reported to members in the next Association Newsletter, by mail or by email); for an auditor not to be appointed, at least half (1/2) of all members present at the Annual General Meeting must agree that the Financial Statements of the Association for the following year shall not be audited.
- Election of members of the Management Committee to replace members retiring, by rotation or otherwise.
- Such other business as the meeting thinks fit.

The following elected positions shall form the Management Committee:

Executive Positions:

- President
- Secretary
- Treasurer

Other Positions:

- Four (4) Committee Members, including -
 - Publicity & Promotions Officer
 - Registrar

If the Annual General Meeting is required to elect one or more members of the Management Committee, nominations for election to the position shall be signed by one (1) Registered Member and contain the written consent of the nominee, and shall be lodged with the Secretary three (3) days prior to the commencement of the meeting at which the elections are to be held.

Qualifications enhancing a person's ability to fulfill the roles of any position on the Management Committee may accompany each nomination.

To be eligible for nomination as a Management Committee member a nominee must be a financial Ordinary Member of the Association.

Current Committee Members shall be eligible for re-election.

Except as provided in the Rules of the Association dealing with filling Casual Vacancies in accordance with Rule 10.2, no person shall be elected to more than one (1) position on the Management Committee. An *ex officio* member of the Management Committee who is elected as a member of the Management Committee shall cease to be an *ex officio* member by virtue of such election.

If insufficient nominations are received for non-Executive positions, any vacant positions remaining on the Management Committee shall be deemed to be ~~a~~-casual vacancies.

At least one (1) person shall be appointed by the Chairperson of the Meeting, prior to the election, to act as scrutineer who shall examine each valid vote and record one vote for each nomination that has been indicated with a tick, cross or other similar clear indication. The person with the greatest number of votes shall be deemed the elected member of the Management Committee.

Office Bearers elected at the Annual General Meeting shall assume office at the conclusion of the Annual General Meeting.

The Association may, at a Special General meeting, by resolution remove any Office Bearer before the expiration of her or his term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the Office Bearer so removed.

An Office Bearer may resign her or his position by providing written notice of her or his intention to do so to the Secretary of the Association. The Management Committee by majority vote may at its next meeting, by resolution, appoint a replacement to hold the position for the remainder of the resigned person's term of office.

9.3 MANAGEMENT COMMITTEE MEETINGS

The Management Committee shall meet at such times as the President of the Management Committee may determine and on any additional occasions as set by majority vote of members of the Management Committee.

For a Management Committee Meeting to be valid

- there must be a quorum in accordance with Rule 9.1.2

- all members of the Management Committee (including *ex officio* members) must be given at least 3 days notice (either orally or in writing) of the date, time and place of the Meeting.

The members of the Management Committee shall be responsible for the conduct of each meeting of the Association that may be held during their term of office and at such meetings each member of the Management Committee shall be entitled to vote.

Any elected member of the Management Committee who is absent from three (3) consecutive Management Committee Meetings without an acceptable apology or leave of absence will forfeit his or her place on the Management Committee.

An apology from any member of the Management Committee for inability to attend any Management Committee Meeting shall be with the Secretary by Noon (Midday) before such meeting in order that it may be ascertained that a quorum will be in attendance.

The Secretary of the Association shall give all members of the Management Committee at least three (3) days notice of each such meeting, either orally or in writing.

9.4 SPECIAL GENERAL MEETINGS (SGM)

Special General Meetings shall be called by the Secretary:

- a) At the direction of the President **AND** upon receipt of a requisition signed by not less than one-half (1/2) of the members of the management committee,
- OR**
- b) on the requisition in writing of not less than 25% of total number of eligible financial voting members:
 - that shall state the purpose or purposes of the meeting;
 - it must be signed by the eligible voting members making the requisitions;
 - must be lodged with the Secretary; and
 - may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

Any eligible, financial Ordinary Member may attend and vote at a SGM. Any Ordinary Member not fully financial at the date of the SGM is prohibited from voting.

Not less than twenty-one (21) days written notice shall be given to all Ordinary (Voting) Members of the Special General Meeting specifying the time and location of a Special General Meeting, and the nature of the business to be considered.

There must be a quorum present (as defined in these Rules).

If the Management Committee fails to convene a Special Meeting to be held within one (1) month after that 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 three (3) months after that date.

A Special General Meeting convened by a member or members shall be convened as near as is practicable in the same manner as General Meetings are convened by the Management Committee of the Association.

9.5 NOTICE

The Secretary shall, at least twenty one (21) days before the date fixed for the holding of the General Meeting, cause to be sent by prepaid post to each member at the member's 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.

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 twenty one (21) days before the date fixed for the holding of the General Meeting, cause notice to be sent to each member in the manner as provided for Annual General Meetings, specifying, in addition to the matter required under these Rules, the intention to propose the resolution as a special resolution.

No business other than that specified in the notice convening a General Meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business that may be transacted pursuant to Rule 9.2.

A member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a General Meeting given after receipt of the notice from the member, provided the Notice from the member is not received less than 28 days before the date of the next General Meeting.

For the purpose of these rules, a notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.

If a document is sent to a person by properly addressing, prepaying and posting to the person, a letter containing the document, unless the contrary is proved, shall be taken for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

9.6 ADJOURNMENT

The President 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 is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

Where a General Meeting is adjourned for fourteen (14) days or more, the Secretary must give written or oral 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 adjourned meeting.

Where a General Meeting is adjourned for less than fourteen (14) days, except as provided in the Rules of the Association, 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.

9.7 MAKING OF DECISIONS

A question arising at a General Meeting of the Association is to be determined on a show of hands including, where provided in the Rules of the Association, proxy votes, 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 the votes recorded in favour of or against that resolution being required.

At a General Meeting of the Association, a poll may be demanded by the chairperson, or by not less than three (3) members present in person at the meeting (proxy votes will not be counted for determining whether a poll shall be held).

If a poll (secret ballot) is duly demanded by majority vote at a General Meeting, the poll must be taken -

- immediately in the case of a poll which relates to the election of the President of the meeting or to the question of an adjournment;

OR

- In any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

The Association may not vote on any resolution by means of a postal ballot.

9.8 SPECIAL RESOLUTION

A resolution of the Association is a Special Resolution if:

- (a) it is passed by a majority which comprises not less than three-quarters (3/4) of such members of the Association as, being entitled under these rules so to do, vote in person or by proxy at a General Meeting of which not less than twenty one (21) days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules;

OR

- (b) it is passed in such other manner as the Director-General may direct.

9.9 VOTING RIGHTS

Only a Financial Ordinary Member has the right to vote at General Meetings. An Ordinary Member that has not paid his/her Annual Membership Fees within 3 months of the end of preceding financial year, that is, by 31st March of the following year, ceases to be financial and may not vote at General Meetings or be a member of the Management Committee.

An Ordinary Member or proxy is not entitled to vote at a General Meeting of the Association unless all money due and payable by the member or proxy to the Association has been paid. In order to be eligible to vote at a General Meeting and/or be elected to the Management Committee of the Association at an Annual General Meeting, the Ordinary Member must have paid his/her Annual Membership Fees to the Association by the final working day before the General Meeting. If a General Meeting is held more than (3) months after the end of the financial year, that unfinancial member must pay the arrears of the Annual Membership Fee, as well as, again pay the Membership Joining Fee no later than the final working day before the General Meeting is held to be eligible to vote at the General Meeting or hold an Office on the management Committee.

Upon any question arising at a General Meeting of the Association a financial Ordinary Member has one vote only.

In the case of an equality of votes on a motion at a Meeting, the President is entitled to exercise a second or casting vote.

All votes must be given personally or by proxy but no member may hold more than one (1) proxy vote.

9.10 APPOINTMENT OF PROXIES

Each member is to be entitled to appoint another member as proxy by notice given to the Secretary no later than twenty-four (24) hours prior to the advertised time of the meeting in respect of which the proxy is appointed.

The notice appointing the proxy shall be in the form set out in Appendix 3 to these rules.

10. CONTROL AND MANAGEMENT OF THE ASSOCIATION

The control and management of the Association shall be vested in a Management Committee of seven (7) financial ordinary members of the Association.

Decisions of meetings of the Management Committee shall be made by majority vote of those members, elected and *ex officio*, present in person, with the Chairperson of the meeting having a casting vote if required. Where an *ex officio* member of the Management Committee is also an elected member of the Management Committee, that person shall be entitled to only one (1) vote on each decision made at Management Committee meetings. If the Chairman is also a Life Member, that person shall be entitled to only one (1) vote on each decision, plus a casting vote if required.

10.1 MANAGEMENT COMMITTEE

A. CONSTITUTION OF COMMITTEE

10.1.1 The Management Committee shall consist of the following:

Elected members

Executive positions:

President

Secretary

Treasurer

Other positions

- Ordinary Committee Member 1 ("Publicity and Promotion Officer")
- Ordinary Committee Member 2 ("Registrar")
- Ordinary Committee Member 3
- Ordinary Committee Member 4

Ex officio members

[If any]

B. RETIREMENT OF MEMBERS BY ROTATION

- 10.2.1 In odd numbered years commencing in 2013, at each Annual General Meeting the members of the Management Committee for the time being who hold Executive positions (namely, the President, the Secretary and the Treasurer), and any other member who has held office for two years or more, must retire from office.
- 10.2.2 In even numbered years commencing in 2014, at each annual general meeting the members of the Management Committee for the time being who do not hold Executive positions, and any executive member who has held office for two years or more, must retire from office.
- 10.2.3 In any year, at each Annual General Meeting a committee member appointed during the preceding year to fill a casual vacancy must retire from office.
- 10.2.4 A committee member retiring under Rules 10.2.1 or 10.2.2 or 10.2.3 holds office until the conclusion of the Annual General Meeting at which that committee member retires but is eligible for re-election.

10.2 FILLING MANAGEMENT COMMITTEE CASUAL VACANCIES

In the event of a vacancy in the Management Committee during the year, the Management Committee by majority vote shall have the power to appoint a person who is an Ordinary Member of the Association to fill the vacancy on the Management Committee until the next Annual General Meeting; however, that person to be appointed is not permitted to hold more than one (1) Executive position (which are President, Secretary and Treasurer).

If a person holding an Executive position (that is, the office of President or Treasurer or Secretary) resigns or otherwise ceases to be a member of the Management Committee, the members of the Committee shall after filling the casual vacancy in the Management Committee elect a member of the Committee to fill such Executive position until the conclusion of the next Annual General Meeting; and if such Annual General Meeting is scheduled to be held in an even numbered year, the election in that year shall include an election to fill such Executive position.

In the event of an equality of votes in a resolution to fill a casual vacancy, the chairperson of the meeting of the Executive Committee shall have a casting vote.

10.3 POWERS OF THE MANAGEMENT COMMITTEE

The Management Committee, having regard to the Rules of the Association shall be empowered to: -

- (i) Control the affairs of the Association in a manner that will attain the objects of the Association and maintain the powers of the Association.
- (ii) Plan and implement the broadcasting and related activities of the Association.
- (iii) Act on behalf of the Association in all matters pertaining to the conduct of the Association.
- (iv) Appoint sub-committees as required.
- (v) Administer the financial affairs of the Association.
- (vi) Present written reports on all actions taken and actions proposed at each Association meeting for endorsement or otherwise.
- (vii) Meet at such time and at such place as the President of the Management Committee may determine from time to time or on any occasion deemed necessary by a majority of the Management Committee.
- (viii) Take action on behalf of the Association after a majority of the Management Committee have voted in favour of the action.

10.4 POWERS AND DUTIES OF MEMBERS OF THE MANAGEMENT COMMITTEE

10.4.1 POWERS

Each Management Committee member shall have the responsibility to plan the details of a section of the Association administration and shall: -

- (i) Present such plans to each meeting of the Management Committee for its consideration and approval or otherwise;
- (ii) After approval is given by the Association, have the power to act on behalf of the Association to implement such plans.
- (iii) Form sub-committees from affiliated members of the Association when deemed necessary to assist in the preparation and implementation of plans.

10.4.2 DUTIES OF OFFICIALS

PRESIDENT

The President shall: -

Within the objects of the Association and with the permission of the Management Committee:

- a) Preside at each meeting of the Management Committee and at any other meetings organised by the Association.
- b) Implement strategies and take actions for the enhancement of the Association.
- c) Perform such duties as may be required from time to time by the Association.
- d) In the case of a tied decision at any meeting of the Association, shall have the additional casting vote.
- e) Submit a report to the Annual General Meeting of the Association.
- f) Set meeting dates for the Management Committee.
- g) Act as Public Officer for the Association, unless the Management Committee appoints someone else by majority vote (with the President having a casting vote, if required) to be the Public Officer.

SECRETARY

The Secretary shall: -

Within the objects of the Association and with the permission of the Management Committee:

- a) Take detailed Minutes of the business arising from all Management Committee and Association meetings and distribute copies to all Management Committee members.
- b) Compile all agendas for meetings, with assistance from the Management Committee if requested by the Secretary.
- c) Assist all members of the Management Committee where required.
- d) Keep on file all correspondence received and a copy of all correspondence forwarded on behalf of the Association by each member of the Management Committee.
- e) Keep on file all material that may assist the organisation of broadcasting and related services.
- f) Act on behalf of the Association as directed by the Management Committee.
- g) Be involved in the setting of meeting dates for the Management Committee.

TREASURER

The Treasurer shall: -

Within the objects of the Association and with the permission of the Management Committee:

- a) Keep a detailed ledger of all receipts and payments transacted for the Association.
- b) Issue receipts for all monies received for banking from the Secretary and other persons from studio hire, sponsorship, grants and other sources.
- c) Present at each meeting of the Management Committee a full summary of receipts and expenses, as well as the bank balance, for ratification by the Management Committee.
- d) Present to each Management Committee meeting, accounts received by the Association since the previous meeting to be passed for payment.
- e) Arrange for the Chairperson, Secretary and Treasurer to act as signatories, with any two to sign on all Association cheques.
- f) Collect all fees owing to the Association and arrange for banking within (72) hours of receipt, or arrange for the Secretary to bank if commitments are as such.
- g) Plan and implement all financial arrangements for the Association.
- h) Arrange and review all insurance policies required for the Association and Association equipment.
- i) Establish an account or accounts with an approved Bank or Financial Institution.

COMMITTEE MEMBER: PUBLICITY AND PROMOTION OFFICER

The Publicity and Promotions Officer shall: -

Within the objects of the Association and with the permission of the Management Committee:

- a) Assist the President, Secretary and Treasurer, if so requested by any of those 3 Executive Office holders.
- b) Subject to funding constraints, plan local publicity coverage of Association activities and community broadcasting, and in other ways arrange publicity for the Association and community broadcasting.
- c) Promote the activities of the Association and community broadcasting in the licensed broadcast area.
- d) Arrange publicity and promotional functions aimed at
 - (i) encouraging participation in the operations of the community broadcasting service, and
 - (ii) encouraging participation in selecting and providing programming.
- e) Keep sponsors informed where possible.
- f) Ensure that during fund raising activities, monies raised are handed promptly to the Treasurer or Secretary.

COMMITTEE MEMBER: REGISTRAR

The Registrar shall: -

Within the objects of the Association and with the permission of the Management Committee:

- a) Keep a complete, accurate and up-to-date Register of each Director and Member of the Association showing:

For each elected Official: their name and address, the position held on the Management Committee and the dates elected and resigned from the Management Committee and

For each and every member of the Association: the name, category of membership, date of birth, the date of becoming a member, address, proof of residence sighted, contact details, date of exiting the Association, and any other registration details deemed relevant by the Management Committee.

- b) Keep a Register of Broadcasters authorised to broadcast on BACR with the dates they commenced and ceased for each period of broadcasting.
- c) Keep a Register of Assets owned by BACR, including the name of the asset, the cost of purchase and the location of the asset.
- d) Organise storage of equipment if so required.

TWO (2) OTHER COMMITTEE MEMBERS

The two (2) Committee members not holding specific duties under the Constitution shall -

Attend meetings of the Management Committee, contribute their ideas to proceedings, vote on decisions to be made for the betterment and advancement of the Association and assist other Management Committee Members when required.

11. ADMINISTRATION

11.1 FINANCE

The funds of the Association shall be derived from annual Membership fees, joining fees, sponsorship, grants, fund raising activities and donations, and, subject to any resolution passed by the Association in a Meeting, Special Meeting or Annual General Meeting, such other sources as the Management Committee determines.

Subject to any resolution passed by BACR in General Meetings, the funds of BACR are to be used in pursuance of the objects of the Association in such manner as the Management Committee determines.

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two (2) members of the Management Committee before issuance.

The main banking accounts of the Association shall be kept at a bank or building society or credit union approved by the Association and all cheques operating on the accounts shall be signed by any two (2) of the President, Secretary or Treasurer, or such other person appointed by the majority vote of the Management Committee.

All monies received by BACR shall be deposited as soon as practicable and without deduction to the credit of the BACR account.

When requested by the remitter, the Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

The Financial Year of the Association shall commence on 1st January and end on 31st December each year.

The current bank statements/pass books shall be tabled at each meeting of Association together with an oral or written financial report.

The Annual Financial Statements shall be presented to each Annual General Meeting.

If an accountant and/or auditor is appointed by the Management Committee, the appointed accountant and/or auditor shall be paid a reasonable honorarium for providing professional services to the Association.

11.2 INSURANCE

BACR must effect and maintain insurance pursuant to the Associations Incorporation Act 2009, including Public Liability insurance.

In addition to the insurance required under these Rules, the Association may effect and maintain other insurance upon approval of the Management Committee.

11.3 CUSTODY OF THE BOOKS

Except as otherwise provided by these rules, all records, books and other documents relating to the Association shall be kept under the supervision or custody of the Public Officer or the Accountant, as decided by the Management Committee.

11.4 INSPECTION OF RECORDS

Any financial Ordinary Member of the Association may inspect the books of Account of the Association free of charge at any reasonable time.

11.5 CORPORATE SEAL

The corporate seal shall be kept at the business premises of the Secretary or the place of business of the Accountant for BACR.

It shall be affixed only to documents requiring its use.

12. ALTERATIONS TO THE CONSTITUTION, RULES, BY-LAWS AND POLICIES OF THE ASSOCIATION

The Constitution, Rules and By-Laws of the Association may be altered by special resolution passed by at least three-quarters (3/4) of the members present and voting at an Annual General Meeting or at a Special General Meeting of the Association of which not less than twenty-one (21) days written notice specifying the resolution(s) to be proposed has been given.

BACR policies not contrary to the Rules of the Association shall be varied by the majority vote of the Management Committee.

Registered Ordinary (but not Associate Members) Members and the Management Committee shall be empowered to forward motions to change the Rules of the Association and such motions shall be signed by at least two (2) Ordinary Members and shall be received by the Secretary of the Association at least twenty one (21) days before the Management Committee Meeting.

Motions to change the Rules of the Association must be specific and shall refer to the Rule, Paragraphs and Sub-Paragraphs concerned specifying the deletion, insertion or addition of words that are required and followed by the specific part of the Rule as it would appear if amended.

Any alteration made to the Rules (which includes the By-Laws) of BACR shall be forwarded to the relevant bodies, if so required by the laws governing the Association, within one (1) month of the meeting at which such alteration was made and, where required by law, be notified to the Office of Fair Trading for the approval and information of that Department.

13. WINDING UP (DISSOLUTION OF THE ASSOCIATION)

The Association may be wound up and dissolved if a special resolution is passed by two thirds (2/3rds) of the financial members present at a Special Meeting called for the purpose of dissolving and winding up of the Association after twenty-one (21) clear days notice in writing is given to the financial members of the Association at their last known address.

In the event of the Association not having functioned for a period of two (2) years, dissolution shall be compulsory and the last available list of officials shall be used to give effect to the provisions of this Rule.

Any and all assets remaining after full settlement of all just debts and liabilities incurred by the Association shall be disposed of to another community broadcasting organisation chosen by the current Management Committee, or if the Association has not functioned pursuing community broadcasting activities for a period of two (2) years, by the majority vote of the members of the last validly elected Management Committee (where the Chairperson shall have a casting vote, if required). Any distribution of surplus funds must be disposed in accordance with all governing legislations with a view to giving any surplus funds to another community broadcasting organisation.

14. COMPLIANCE WITH RELEVANT LEGISLATIONS

BACR is to comply at all times with the legislations governing the Association, especially those administered by the Australian Communications and Media Authority (ACMA) and the NSW Department of Commerce, Office of Fair Trading (OFT).

In the event of any dispute with legislation, the Management Committee of the Association shall initially attempt to resolve the matter amicably, but if not successful, hire a lawyer or lawyers to assist resolve of the matter or matters.

15. DISCIPLINING OF MEMBERS

15.1.1 PROCEDURE

A. Disciplining Ordinary and Associate members of the Association may occur where the Management Committee is of the opinion that a member of the Association:

- Has persistently refused or neglected to comply with a provision or provisions of these Rules; or
- Has willfully acted in a manner strongly prejudicial to the interests of the Association.

B. The Management Committee may by resolution:

Expel the Ordinary or Associate member from the Association or Suspend the Ordinary or Associate member from membership for a specified period.

C. Resolution under Rule 15 has no effect unless the Management Committee, at a meeting held not earlier than twenty one (21) days and not later than twenty eight (28) days after service on the member of a notice under Rule 15, confirms the resolution in accordance with this Rule.

D. Where the Management Committee passes a resolution under Rule 15, the Secretary shall, as soon as practicable, issue a notice in writing to be served on the Ordinary or Associate member -

- i) Setting out the resolution of the Management Committee and the grounds on which it is based;
- ii) Stating that the member may address the Management Committee at a meeting to be held not earlier than twenty one (21) days and not later than twenty eight (28) days after service of the notice;
- iii) Stating the date, place and time of such meeting, and

- iv) Informing the member that the member may do either or both of the following:
- Attend in person and speak at the meeting;
 - Submit to such meeting, not earlier than twenty one (21) days and not later than twenty eight (28) days after service of the Notice, written representations relating to the resolution.

15.1.2 DISCIPLINARY HEARING

At a meeting of the Management Committee referred to in Rule 15.1.1D, the Management Committee shall:

- Give to the member present at the meeting an opportunity to make oral representations.
- Give due consideration to any written representations submitted to the Management Committee by the member at or prior to the meeting, and
- By resolution determine whether to confirm or to revoke the resolution.

15.1.3 CONFIRMATION OF DISCIPLINARY RESOLUTION

Where the Management Committee confirms a resolution under Rule 15.1.2, the Secretary shall, within seven (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 15.2.

15.1.3 EFFECTIVENESS OF DECISION

A Resolution confirmed by the Management Committee under Rule 15.1.2 does not take effect:

Either until the expiration of the period within which the member is entitled to appeal against the resolution (where the member does not exercise the Right of Appeal within that period);

Or where, within that period the member exercises the Right of Appeal, unless and until the Association confirms the Resolution pursuant to Rule 15.

15.2 RIGHT OF APPEAL OF DISCIPLINED MEMBERS

An Ordinary Member may appeal against his/her suspension or expulsion from the Association by lodging with the Secretary a written Notice to that effect within seven (7) days after notice of the confirmed resolution is served on the member by the Management Committee.

An Associate member may not appeal against his/her suspension or expulsion from the Association. The confirmed decision of the Management Committee (per Rule 15.1.3) is final in respect to disciplining of an Associate member.

Upon receipt of such a Notice from an Ordinary member, the Secretary must notify the Management Committee which shall convene a General Meeting of the Association to hear the Appeal to be held within twenty eight (28) days after the date on which the Secretary received the written Notice from the Ordinary Member. As required for all General Meetings, all Ordinary members of the Association must be given not less than twenty-one (21) days written notice specifying the purpose of the meeting and the resolution(s) to be proposed and voted upon by the membership.

At a General Meeting of the Association convened under this Rule 15, no business other than the question of the Appeal is to be transacted; and the Management Committee and the Ordinary Member must be given the opportunity to state their respective cases orally or in writing, or both; and the Ordinary Members present are to vote by secret ballot on the question of whether the disciplinary resolution or resolutions should be confirmed or revoked.

If at the General Meeting a simple majority of votes by financial Ordinary members, who are eligible to vote, passes a resolution in favour of the confirmation of the resolution or resolutions, the resolution or resolutions are confirmed and the Ordinary member is either suspended or expelled from the Association in accordance with the terms of the disciplinary resolution.

Proxy votes shall not be accepted for any Expulsion vote.

16. DEFINITIONS (INTERPRETATION)

A. In these Rules, except in so far as the context or subject matter otherwise indicates or requires:-

"**The Act**" means: the Associations Incorporation Act 2009.

"**Association**" means Bankstown-Auburn Community Radio Incorporated

"**ACMA**" means the Australian Communications and Media Authority or equivalent government body.

"**Auditor - Qualified Person**" means: a member of any of the various recognised accountancy bodies, such as, the Institute of Chartered Accountants, CPA Australia, etc, but the auditor does not have to be a Registered Auditor under the Corporations legislation.

"**BACR**" means Bankstown-Auburn Community Radio Incorporated.

"**Director-General**" has the meaning given to that expression in the Associations Incorporation Act 2009.

"**Ex Officio member**" includes a Life Member.

"**Financial Member**" means a member who has paid all fees due.

"**Instrument**" means: any document pertaining to the governance of the Association, and includes, but is not limited to, the Rules, By-Laws and the associated Policies of the Association;

"**Life Member**" means a member elected as such pursuant to Rule 4.3;

"**Management Committee**" means the committee constituted pursuant to Rule 10;

"**New South Wales Department of Fair Trading**" means the NSW government body controlling Incorporated Associations.

"**Public Officer**" means: the President of the Association unless some other person is appointed by majority vote of the Management Committee to be Public Officer of the Association.

"**The Office Bearers of the Association**" means: the members of the Management Committee. Executive Office Bearer positions are President, Secretary and Treasurer.

"**Ordinary Member**" means: any person accepted as an Ordinary Member of the Association.

"**The Regulation**" means: the Associations Incorporation Regulation 2010.

"**Special General Meeting**" means: a General Meeting of the Association other than Annual General Meeting or a Management Committee meeting.

B. In these Rules: -

- I. A reference to a function includes a reference to a power, authority and duty; and

II. A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

The provisions of the Interpretations Act 1987, apply to and in respect of these Rules in the same manner as those provisions would so apply if these Rules were an instrument made under the Act.

C. INTERPRETATION

Where the Rules of the Association conflict with any other instrument of the Association, the Association Rules shall prevail.

Where ambiguity exists between the Association Rules and any other instrument of the Association, the natural interpretation of the Rules of the Association shall prevail.

The Association shall hold the power to deal with and adjudicate upon all questions and disputes as to the interpretation of the Constitution, Rules, By-Laws and associated Policies.

In the event of a dispute between a member and another member (in their capacity as members) of the Association, the matter shall be resolved by reference to the Policies and Procedures of the Association, If the dispute cannot be resolved by these policies and procedures, the dispute is to be referred to arbitration as governed by the "Commercial Arbitration Act" (1984) and if the Arbiter does not specify how the costs of the dispute shall be paid by the disputing parties, the costs of the arbitration shall be paid in equal shares by the disputing parties.

In the event of any unresolved legal dispute between the Association and an Ordinary member of the Association as to the rights and obligations of one party to the other under the Rules of the Association, such a dispute shall be, in the first instance, resolved in accordance with the Policies and Procedures of the Association and/or discussed at a meeting between the disputing parties and their representatives (if required) with a view to resolution but if such discussion does not resolve the issue satisfactorily, it shall be referred to the Minister, NSW Office Of Fair Trading, for resolution and/or mediation by the Minister or his/her nominee. In the event that such attempted resolution and/or mediation does not resolve the dispute, the member in dispute agrees to submit to the Law of New South Wales as having exclusive jurisdiction to determine the dispute between the parties.

APPENDIX 1

APPLICATION FOR ORDINARY MEMBERSHIP OF ASSOCIATION (Page 1)

BANKSTOWN-AUBURN COMMUNITY RADIO ASSOCIATION INC.
(Incorporated Under the Associations Incorporation Act 2009)

*** You must live within the licensed broadcast area to be eligible for ORDINARY MEMBERSHIP of the Association**

I,

.....
(PRINT your full name)

Your Date Of Birth:

of

.....
(PRINT your address)

.....
(Occupation)

hereby apply to become an **Ordinary member** of the above named Incorporated Association. I have answered the questions on page 2 of this form "Ordinary Membership Qualifications" truthfully. 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.

.....
Signature of applicant

Date

(Optional)

The following members of the Association have agreed to act as referees in respect of this application:

.....
.....

APPENDIX 1 (Continued)

APPLICATION FOR ORDINARY MEMBERSHIP OF ASSOCIATION (Page 2)

Ordinary Membership Qualifications

- (a) I am a natural person, of sound mind and aged 18 years or more;
- OR
- (a) The applicant is an incorporated community organization with head office located in the Bankstown-Auburn RA1 licensed area;
- (b) The above application is correct and complete as provided for in the Rules of the Association;
- (c) I am a permanent resident of the licensed broadcast area for the Association; ["permanent resident" means living within the licensed broadcast area for 1 year or more and I attach true copies of 2 items of proof of residency)
- (d) I have not been convicted of any felony in relation to fraud, robbery or misappropriation;
- (e) I have not been convicted of assault within the past 5 years;
- (f) I do not hold office in any Federal or State government body;
- (g) I am NOT a member of the Committee in any other community broadcasting organisation that wants to broadcast within the same broadcast area as the Association (this restriction may be waived for an applicant by the unanimous approval of all members of the BACR Management Committee;
- (h) I am not a paid employee of any other community broadcasting organisation that wants to broadcast within the same broadcast area as the Association;
- (i) I agree to abide by the requirements of the Community Broadcasting Code of Practice;
- (j) I agree to abide by the Constitution, Rules, Policies and Procedures, and Objectives of the Association;
- (k) I will not pose a security risk to the members or premises of the Association; and
- (l) I have not previously been expelled as a member by the Association or by any other Community Broadcasting Organisation.
- (m) I would like the Committee to take the following matters into account when considering this application (attach a note if insufficient space below).

.....
Signature of applicant

Date

APPENDIX 2

APPLICATION FOR ASSOCIATE MEMBERSHIP OF ASSOCIATION (Page 1)

BANKSTOWN-AUBURN COMMUNITY RADIO ASSOCIATION INC.
(Incorporated Under the Associations Incorporation Act 2009)

I,
.....

(PRINT your full name)

Your date of birth:

of
.....

(PRINT your address)

.....
(Occupation)

hereby apply to become an **Associate member** of the above named Incorporated Association. I have answered the questions on page 2 of this form "Associate Membership Qualifications" truthfully. 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.

.....
Signature of applicant

Date

(Optional)

The following members of the Association have agreed to act as referees in respect of this application:

.....
.....

APPENDIX 2 (Continued)

APPLICATION FOR ASSOCIATE MEMBERSHIP OF ASSOCIATION (Page 2)

Associate Membership Qualifications

- (a) I am a natural person, of sound mind and aged 18 years or more;
- OR
- (b) The applicant is an incorporated community organization with head office located OUTSIDE the Bankstown-Auburn RA1 licensed area;
- (c) The above application is correct and complete as provided for in the Rules of the Association;
- (d) I have not been convicted of any felony in relation to fraud, robbery or misappropriation;
- (e) I have not been convicted of assault within the past 5 years;
- (f) I do not hold office in any Federal or State government body;
- (g) I am not a paid employee of any other community broadcasting organisation that wants to broadcast within the same broadcast area as the Association;
- (h) I agree to abide by the requirements of the Community Broadcasting Code of Practice;
- (i) I agree to abide by the Constitution, Rules, Policies and Procedures, and Objectives of the Association;
- (j) I will not pose a security risk to the members or premises of the Association; and
- (k) I have not previously been expelled as a member by the Association or by any other Community Broadcasting Organisation.
- (l) I would like the Committee to take the following matters into account when considering this application (attach a note if insufficient space below).

.....
Signature of applicant

Date

APPENDIX 3

FORM OF APPOINTMENT OF VOTING PROXY

BANKSTOWN-AUBURN COMMUNITY RADIO ASSOCIATION INC.
(Incorporated Under the Associations Incorporation Act 2009)

I,
.....
.....
(print your full name)

of
.....
.....
(address)

being an Ordinary member of BANKSTOWN-AUBURN COMMUNITY RADIO ASSOCIATION Inc. hereby appoint

.....
.....
(print full name of proxy)

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

being an Ordinary member of that incorporated Association, appoint as my proxy to vote for me on my behalf at the general meeting of the Association (Annual General Meeting or Special General Meeting, as the case may be) to be

held on theday of..... 20..... and at any adjournment of that meeting.

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

Signature of member appointing proxy:

.....

Date

NOTE: A proxy vote may not be given to a person who is not an Ordinary member of the Association.

ATTACHMENT 1 TO RULES OF ASSOCIATION

FOUNDING MEMBERS OF BANKSTOWN-AUBURN COMMUNITY RADIO INCORPORATED

The names of the foundation members of Bankstown-Auburn Community Radio Inc are:

Anthony Bennetts
Marilyn Brewer
Royce Burkett
Helen Nagi
Magsood Nagi
Sasha Trpcevski