

RULES

FOR THE

BAY FM COMMUNITY RADIO INC.

ADOPTED ON 29 / 8 / 2000

AMENDED 28 / 5 / 2008

AMENDED 2 / 12 / 2014

AMENDED 16 / 12 / 2016

PART 1 – PRELIMINARY

1. DEFINITIONS

(1) In these rules:

“**ordinary member**” means a member of the committee who is not an office-bearer of the Association, as referred to in rule 15(2);

“**member**” means a current financial member of the Association.

“**secretary**” means:

- (a) the person holding office under these rules as secretary of the Association; or
- (b) 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 Association Incorporation Act 1984;

(2) In these rules:

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to performance of the duty.

(3) The provisions of the Interpretation Act 1987 apply to and in respect of these rules in the same manner as those provision would apply if these rules were an instrument made under the Act.

2. The name of the Association shall be BAY FM COMMUNITY RADIO.

3. OBJECTS

(1) The objects of the Association shall be to build, equip, service and maintain an FM Radio Station that will have the call sign of BAY FM to service the whole of Byron Shire, covering educational, ethnic, music, sport, news and current affairs programmes and anything else deemed necessary by the Association.

(2) To provide assistance and free airtime when required to the following services:

- State Emergency Services
- Helicopter Rescue Service
- Bush Fire Service
- Surf Life Saving Service
- Police and Fire Services

- (3) To be used freely as a vehicle for promoting and raising monies for Charities and community projects within the Shire. With the long term objective of expanding and exploring the feasibility of incorporating a Community Television service to the Shire.
- (4) Any monies acquired in excess of those monies required for the efficient administration, maintenance and future development of the Association shall be allocated at the Annual General Meeting of the Association for donation to any non profit making incorporated institution or organization within Byron Shire which is deemed by the Association to be in need of such charitable donation.
- (5) To promote local music, local art and local current affairs.

4. MEMBER QUALIFICATIONS

A person is qualified to be a member of the Association if, but only if, the person is a person referred to in Section 15(1)(a), (b) or (c) of the Incorporations Act; and

- (a) has not ceased to be a member of the Association at any time after the incorporation of the Association under the Act; or
- (b) the person has applied for membership as provided in Clause 5.

5. APPLICATION FOR MEMBERSHIP

- (1) An application for membership of the Association shall be made by the applicant in writing (including by email or other electronic means, if the committee so determines) in the form determined by the committee;
- (2) The applicant shall become a member of the Association on lodging the application and the required membership fee;
- (3) On receipt of the application and membership fee the secretary shall enter the applicant's name in the register of members.

6. CESSATION OF MEMBERSHIP

A person ceases to be a member of the Association if the person:

- (a) dies; or
- (b) resigns membership; or
- (c) is expelled from the Association.

7. MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

A right, privilege or obligation which a person has by reason of being a member of the Association:

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

8. RESIGNATION OF MEMBERSHIP

- (1) A member of the Association is not entitled to resign that membership except in accordance with this rule.
- (2) A member of the Association who has paid all amounts payable by the member of the Association in respect of the member's membership may resign from membership of the Association by first giving to the secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (3) If a member of the association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must take an appropriate entry in the register of members recording the date on which the member ceased to be a member.

9. REGISTER OF MEMBERS

- (1) The public officer of the Association must establish and maintain a register of members of the Association (whether in written or electronic form) specifying the name and address of each person who is a member of the Association together with the date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of the Association and must be open for inspection, free of charge, by any member of the Association at any reasonable hour.
- (3) If the register of members is kept in electronic form:
 - (a) it must be convertible into hard copy, and
 - (b) the requirements in subclause (2) apply as if a reference to the register of members is a reference to a current hard copy of the register of members.

10. FEES AND SUBSCRIPTIONS

- (1) A member of the Association must, on admission to membership, pay to the association a fee of \$1 or, if some other amount is determined by the committee, that other amount.
- (2) In addition to any amount payable by the member under clause (1), a member of the Association must pay to the Association an annual membership fee of \$2 or, if some other amount is determined by the committee, that other amount:
 - (a) before 1 July in each calendar year; or
 - (b) if the member becomes a member on or after 1 July in any calendar year – or becoming a member and before 1 July in each succeeding calendar year.

11. MEMBERS' LIABILITIES

The liability of a 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 as required by rule 10.

12. DISCIPLINING OF MEMBERS

(1) Where a member of the association:

- (a) has persistently refused or neglected to comply with a provision or provisions of these rules; or
- (b) has persistently and willfully acted in a manner prejudicial to the interests of the association;

The Committee may by resolution:

- (c) expel the member from the Association; or
- (d) suspend the member from membership of the Association for a specific period.

(2) When undertaking disciplinary action, the committee:

- (a) must cause notice of the resolution to be served on the member concerned; and
- (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the resolution; and
- (c) must take into consideration any submissions made by the member in connection with the resolution

(3) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 13.

(4) The committee also may expel or suspend a member whose membership fee is overdue for more than 120 days.

(5) The expulsion or suspension does not take effect:

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned; or
- (b) if within that period the member exercises the right of appeal, unless and until the Association confirms the resolution under rule 13 (4), which ever is the later.

13. RIGHT OF APPEAL OF REJECTED APPLICANT OR DISCIPLINED MEMBER

- (1) A member or rejected applicant may appeal to the Association in general meeting against a resolution of the committee under rule 12, within 7 days after notice of the resolution is served on the member or rejected applicant, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member or rejected applicant intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member or rejected applicant under clause (1), the secretary must notify the committee which is to convene a general meeting of the Association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the Association convened under Rule 26:
 - (a) no business other than the question of the appeal is to be transacted; and
 - (b) the committee and the member or rejected applicant must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If at the general meeting the Association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

14. POWERS OF THE COMMITTEE

The committee is to be called the committee of management of the Association and, subject to the Act, the Regulation and these rules and to any resolution passed by the Association in general meeting;

- (a) 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 the members of the Association;
- (c) And has the 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.

15. CONSTITUTION AND MEMBERSHIP

- (1) Subject in the case of the first members of the committee to section 21 of the Act, the committee is to consist of:
 - (a) the office-bearers of the Association; and
 - (b) seven (7) ordinary members, each of whom is to be elected at the Annual General Meeting of the Association under rule 16.

(2) The office-bearers of the Association are to be:

- (a) the president;
- (b) the vice-president;
- (c) the treasurer; and
- (d) the secretary.

(3) Each member of the 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.

(4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the Association to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of the appointment.

(5) The maximum number of consecutive terms of an office bearer is four years. In the event that no candidate/s stand for any of the office bearer positions, the previous office bearer will be eligible for re-election and if re-elected can hold office until the conclusion of the Annual General Meeting next following the date of the appointment.

16. ELECTION OF MEMBERS

(1) Nominations of candidates for election as office-bearers of the Association or as ordinary members of the committee:

- (a) must be made in writing, signed by 2 members of the Association or/ and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination); and
- (b) must be delivered to the secretary of the Association at least 7 days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.

(2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the Annual General Meetings.

(3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.

(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.

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

(6) The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the Annual General Meeting in such usual and proper manner as the committee may direct.

17. SECRETARY

- (1) The secretary of the Association must, as soon as practicable after being appointed as secretary, lodge notice with the Association of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office bearers and members of the committee;
 - (b) the names of members of the committee present at a committee meeting or general meeting;
 - (c) all proceedings at committee meetings and general meetings;
 - (d) to initiate and maintain a membership roster showing membership fee payments, in conjunction with the Treasurer and Public Officer;
 - (e) to review all correspondence, newsletters and press releases with a secretarial pool that will consist of at least two (2) other committee members. All written material on behalf of Bay FM shall be reviewed by at least two of the three members of the pool prior to its publication;
 - (f) a copy of any and all correspondence, newsletters and press releases shall be retained in file.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) The signature of the chairperson may be transmitted by electronic means for the purposes of subclause (3).

18. TREASURER

It is the duty of the treasurer of the Association to ensure:

- (a) that all money due to the Association is collected and received and that all payments authorized by the Association are made;
- (b) that correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association;
- (c) a monthly report shall be signed by the Treasurer attesting to its accuracy;
- (d) monthly Treasurer's reports shall be maintained in a ledger and available for review at the place of administration of the Association;
- (e) arrange for the annual audit of the books within 60 days following the close of the financial year

19. CASUAL VACANCIES

For the purpose of these rules, a casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the Association; or
- (c) becomes an insolvent under administration within the meaning of the Corporations Law: or
- (d) resigns office by notice in writing given to the secretary; or
- (e) is removed from Office under rule 20; or
- (f) becomes a mentally incapacitated person; or

- (g) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

20. REMOVAL OF MEMBER

- (1) The Association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the Association, the secretary or the president may send a copy of the representations to each member of the Association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

21. MEETINGS AND QUORUM

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) A minimum of any 4 members of the committee, with any changes in number beyond the minimum to be agreed upon by resolution at a general meeting, constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At the meeting of the committee:
 - (a) the president or, in the president's absence, the vice-president is to preside; or

- (b) if the president and the vice-president are absent or unwilling to act, such of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

22. USE OF TECHNOLOGY AT COMMITTEE MEETINGS

- (1) A committee meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- (2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

23. POSTAL OR ELECTRONIC

- (1) The association may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal (other than an appeal under clause 13 (Right of appeal)).
- (2) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation.

24. DELEGATION BY COMMITTEE TO SUB-COMMITTEE

- (1) The committee may, by instrument in writing, delegate to one or more sub-Committees (consisting of such members of the Association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
 - (a) this power of delegation; and
 - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this rule, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A sub-committee may meet and adjourn as it thinks proper.

25. VOTING AND DECISIONS

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 21 (5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

26. ANNUAL GENERAL MEETINGS – HOLDING OF

- (1) With the exception of the first annual general meeting of the Association, the Association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the Association, convene an Annual General Meeting of its members
- (2) The Association must hold its first Annual General Meeting:
 - (a) within the period of 18 months after its incorporation under the Act; and
 - (b) within the period of 6 months after the expiration of the first financial Year of the Association
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Commissioner under section 26 (3) of the Act.

27. ANNUAL GENERAL MEETING – CALLING OF AND BUSINESS AT

- (1) The Annual General Meeting of the Association is, subject to the Act and to Rule 24, to be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting is to include the following:
 - (a) to confirm the minutes of the last preceding Annual General Meeting and of any special general meeting held since that meeting;
 - (b) to receive from the committee reports on the activities of the Association during the last preceding financial year;
 - (c) regardless of the state of the Financial Statement, to discuss Clause 1 (7) and record a decision for that Financial year.
 - (d) to elect office-bearers of the Association and ordinary members of the Committee;
 - (e) to receive and consider the statement which is required to be Submitted to members under section 26(6) of the Act.

- (3) An annual general meeting must be specified as such in the notice convening it.

28. SPECIAL GENERAL MEETINGS – CALLING OF

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the Association.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting; and
 - (b) must be signed by the members making the requisition; and
 - (c) must be lodged with the secretary; and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisitioning.
- (4) If the committee fails to convene a special general meeting to be held within 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 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expense is entitled to be reimbursed by the Association for any expense so incurred.
- (6) For the purposes of subclause (3):
 - (a) a requisition may be in electronic form, and
 - (b) a signature may be transmitted, and a requisition may be lodged, by electronic means.

29. NOTICE

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post, or electronically to each member at the member's address or nominated electronic 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.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in clause (1) specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.

- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 25 (2).
- (4) 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.

30. PROCEDURE

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considered that item.
- (2) A minimum of Five members with any changes in number beyond the minimum to be agreed upon by resolution at a general meeting, 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.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on 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 same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) is to constitute a quorum.

31. PRESIDING MEMBER

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the Association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

32. ADJOURNMENT

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 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 meeting.

- (3) Except as provided in clauses (1) and (2) 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.

33. MAKING OF DECISIONS

- (1) A question arising at a general meeting of the Association is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the Association, a poll may be demanded by the chairperson or by at least 3 members present in person or by proxy at the meetings.
- (3) If a poll is demanded at a general meeting, the poll must be taken:
 - (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs; the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

34. SPECIAL RESOLUTION

A resolution of the Association is a special resolution:

- (a) if it is passed by a majority which comprises at least three-quarters as 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 at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or
- (b) where it is made to appear to the Commissioner that it is not practicable for the resolution to be passed in the manner specified in clause (a), if the resolution is passed in a manner specified by the Commissioner.

35. VOTING

- (1) On a question arising at a general meeting of the Association a member has one vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 2 proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of the Association unless all money due and payable by the member or proxy to

the Association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

36. APPOINTMENT OF PROXIES

- (1) Each member is to be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

37. PART V – MISCELLANEOUS INSURANCE

- (1) The Association must effect and maintain insurance under section 44 of the Act.
- (2) In addition to the insurance required under clause (1), the Association may effect and maintain other insurance.

38. FUNDS – SOURCE

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

39. FUNDS – MANAGEMENT

- (1) Subject to any resolution passed by the Association in general meeting, the Funds of the Association are to be used in pursuance of the objects of the Association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the Association, being members or employees authorized to do so by the committee.

40. ALTERATION OF OBJECTS AND RULES

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the Association.

41. COMMON SEAL

- (1) The common seal of the Association must be kept in the custody of the Public Officer.
- (2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the Public Officer or secretary.

42. CUSTODY OF BOOKS

Except as otherwise provided by these rules, all records, books and other documents relating to the association must be kept in New South Wales:

- (a) at the main premises of the association, in the custody of the public officer or a member of the association (as the committee determines), or
- (b) if the association has no premises, at the association's official address, in the custody of the public officer.

43. INSPECTION OF BOOKS

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
 - (a) records, books and other financial documents of the association,
 - (b) these rules,
 - (c) minutes of all committee meetings and general meetings of the association.
- (2) A member of the association may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.
- (3) Despite subclauses (1) and (2), the committee may refuse to permit a member of the association to inspect or obtain a copy of records of the association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the association.

44. SERVICE OF NOTICES

- (1) For the purpose of these rules, a notice may be served by or on behalf of the Association on any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (2) If a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document is, unless the contrary is proved, 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.

45. PUBLIC FUND

- (1) A Public Fund called BayFM Public Fund will be established with a specific bank account for that purpose established.
- (2) A sub-committee of three members from the Association's membership, a majority of whom, because of their tenure of some public office or, their professional standing, are considered to be persons of responsibility and have an underlying community responsibility, as distinct from obligations solely in regard to the cultural objectives of BayFM Community Radio Inc. shall be appointed to administer the BayFM Public Fund for the receipt of donations made to the Association under Subdivision 30B of the Income Tax Assessment Act 1997.
- (3) Gifts to the Public Fund must be administered separately from any other funds of the Association and will only be used to further the Association's objects.
- (4) All donated money and interest accruing thereon, must be credited to and kept in the Public Fund.
- (5) The Public Fund must not receive any other money or property.
- (6) Receipts will be issued in the name of the Fund.
- (7) Any proposed amendments or alterations to provisions for the Public Fund will be notified to the Department responsible for the administration of the Register of Cultural Organisations to assess the effect of any amendments on the Public Fund's continuing deductible gift recipient status

46. WINDING UP

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 general meeting convened to consider the resolution.

47. DISTRIBUTION OF SURPLUS ASSETS

If, upon the winding-up or dissolution of the Public Fund listed on the Register of Cultural Organisations, there remains after satisfaction of all its debts and liabilities, any property, the property shall not be paid to or distributed among its members, but shall be given or transferred to some other fund, authority or institution having objects similar to the objects of this public fund, and whose rules shall prohibit the distribution of its or their income among its or their members, such fund, authority or institution is to be eligible for tax deductibility of donations under Subdivision 30-B, section 30-100, of the Income Tax Assessment Act 1997 and listed on the Register of Cultural Organisations maintained under the Act.

48. SURPLUS PROPERTY

In the event of the cancellation of this Association, the surplus property of the Association will be vested in a non profit making institution or organization in Byron Shire which fulfills the requirements specified in Section 53, (2) of the Act.

APPENDIX 1
[Rule 3 (1)]

**Application for Membership of Association
Bay FM Community Radio Incorporated**

I,
full name of applicant
of the following residential address
address for correspondence

Phone: Hm: Work:

Email:

do hereby apply to become a member of the above named incorporated Association. The event of my admission as a member, I agree to be bound by the rules of the Association.

Signature of applicant

Date

Skills Register – Please list the skills, or areas of interest that you feel may be of assistance to Bay FM.

Nominations

As a member of the Association, I nominate the applicant, who is personally known to me, for membership of the Association.

Signature of proposer

date

Office Use Only

Ratified	M'ship Card
Card file	Computer Log
Paid	Receipt No

APPENDIX 2
[Rule 34 (2)]

FORM OF APPOINTMENT OF PROXY

I,
(full name)

of
(address)

being a member of
BAY FM COMMUNITY RADIO INC.

hereby appoint
(full name of proxy)

of
(address)

being a member of that incorporated Association, as my proxy to vote for me on my behalf at the general meeting of the Association (annual general meeting of special general meeting, as the case may be) to be

held on the day of 20 , and at any adjournment of that meeting.

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

To be inserted if desired

Signature of member appointing proxy

Date

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