

# **Constitution**

## **Hobart FM Incorporated**

### **NAME OF ASSOCIATION**

1. The name of the Association shall be Hobart FM Incorporated (in these rules called "the Association").

### **DEFINITIONS & INTERPRETATIONS**

2. In these rules, unless the contrary intention appears;

- "committee" means the committee of management of the Association;
- "annual general meeting" means the annual general meeting of members convened in accordance with Rule 51 ;
- "general meeting" and "special general meeting" means a general meeting of members convened in accordance with Rules 54 and 55;
- "ordinary resolution" means a resolution requiring approval by at least fifty one percent of members present thereat, and entitled to vote;
- "special resolution" means a resolution requiring approval by at least seventy five percent of members present thereat, and entitled to vote;
- "member" means a duly elected member of the Association for the time being and where used without qualification shall be deemed to include ordinary, life and honorary members; and
- "rule" means a numbered provision of this Constitution, and where the context so permits shall include a sub-paragraph thereof.

3. In these rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including printing, lithography, photography and all other modes of representing or reproducing words in a visible form.

4. Words importing the male gender shall, where the context reasonably permits, include the female gender and the singular number shall likewise include the plural number.

5. Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts of Interpretation Act 1931, and by the act as in force on the date on which these rules are adopted by the Association.

### **ASSOCIATION'S OFFICE**

6. The office of the Association shall be at 17 Alma Street, Bellerive, or at such other place as the members, from time to time, determine.

### **OBJECTS AND PURPOSES**

7. The basic objects of the Association, as stated in the application under sub-section 2 of section 7 of the Act for incorporation of the Association lodged with the Commissioner pursuant to that sections are
- a) to promote and foster the educational, recreational and social interests of the community at large by the provision of radio broadcasts, and other matters incidental thereto, including the obtaining of a license to broadcast in pursuance of these objects; and
  - b) to direct such broadcasts to those members of the Greater Hobart community requiring an alternative and innovative radio service, with particular emphasis on the following areas of interest:

- i. music
- ii community and current affairs
- iii. arts
- iv. education
- v. multicultural presentations

8. To achieve the objects detailed in Rule 7 the Association will;

- (a) consider the Greater Hobart community as its "community of licence", and the interests listed its group of "related special interests" as required by current ACMA licence(s);
- (b) continue to monitor its Community of Licence and remain responsive to its needs;
- (c) will abide by the Community Broadcasting Association of Australia "Codes of Practice";
- (d) will respond in its programs to the needs of the children in its audience;
- (e) will continue to ensure that Australian content requirements are exceeded, and will maintain a particular commitment to Tasmanian composers and musicians; and
- (f) will utilize the opportunity to use sponsorship as a fund-raising mechanism, but will ensure that this does not interfere with its programming, does not breach broadcasting laws, and does not promote gambling.

9. In addition to the basic objects of the Association, the objects and purposes of the of the Association shall be deemed to include:

- (a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association;
- (b) the buying, selling, and supplying of, and dealing in, goods of all kinds;
- (c) the construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Association;
- (d) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association;
- (e) the taking of such steps from time to time as the committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Association, whether by way of donation, subscriptions or otherwise;
- (f) the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Association;
- (g) the borrowing and raising of money in such manner and on such terms as the committee may think fit or as may be approved or directed by resolution passed at a general meeting;
- (h) subject to the provisions of the Trustees Act 1898, the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the committee may from time to time determine;
- (i) the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which section 78(a) of the Income Tax Assessment Act 1936 of the Commonwealth relates;
- (j) the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes, and conveniences calculated to benefit the

servants or past servants of the Association and their dependents, and the granting of pensions, allowances, or other benefits to servants or past servants of the Association and their dependents, and the making of payments towards insurance in relation to any of the purposes;

(k) the establishment and support, or aiding in the establishment or support, of any other Association formed for any of the basic objects of the Association;

(l) the purchase or acquisition, and undertaking, of all or any part of the property, assets, liabilities, and engagements of any association with which the Association may at any time become amalgamated in accordance with the provisions of the Act and the rules of the Association;

(m) the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Association or any of the objects and purposes specified in the foregoing provisions of this sub-rule.

## **MEMBERSHIP**

10. A person who is nominated and approved for ordinary membership as provided in the rules is eligible to be a member of the Association on payment of the annual subscription prescribed in, or fixed under, these rules.

11. A person who is not a member of the Association at the time of the adoption of this constitution shall not be admitted to membership unless:

- (a) he is nominated as provided in Rule 12; and
- (b) his admission as a member is approved by the committee.

12. An application by a person for membership of the Association shall;

- (a) be made in writing,
- (b) be accompanied by the written consent of the person nominated (which may be endorsed on the form of application); and
- (c) shall be lodged at the office of the Association.
- (d). As soon as is practicable after the receipt of application for membership, the application shall be referred to a meeting of the committee.

13. Where the committee resolves -

- (a) to approve an application for membership, the secretary shall, with as little delay as possible notify the applicant in writing, that he has been approved for membership of the Association and upon receipt of the sum payable by the applicant as his first year's subscription, shall enter the applicant's name in a register of members, whereupon the applicant becomes a member of the Association.
- (b) to reject an application for membership, the applicant shall have the right of reply and appeal under rule 110 and 111. Where the applicant exercises the right of reply the resolution of the committee is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after the service on the applicant of a notice under clause 111, confirms the resolution in accordance with this rule.

14. Membership of the Association shall be divided into the following categories:

- (a) ordinary members, a member who pays the full or concessional annual subscription under Rule 101 or
- (b) a member upon whom Life Membership has been conferred in accordance with Rule 17, and who is entitled to the privileges detailed under Rule 27 (1); and
- (c) honorary members, a member upon whom Honorary Membership has been conferred in accordance with Rule 18, and who is entitled to the privileges detailed in Rule 27 (b).

15. A member may within twenty eight days after the expiry of his membership, make application for renewal of his ordinary membership, upon payment of the annual subscription, and shall be deemed for all purposes to have been re-admitted as such a member of the Association.

16. Nominations for Life Membership and Honorary Membership must be notified in writing to the Secretary at least twenty one days prior to the Annual General Meeting at which such nomination may be recommended by the Committee, and such nomination must be signed by two members of the Association, setting out in detail the reasons for such nomination.

17. Life Membership shall only be conferred by reason of outstanding and meritorious service by a member of the Association, and shall be deemed granted by a special resolution of members at an Annual General Meeting.

18. Honorary Membership shall only be conferred by reason of the position in the community of the nominee, or the outstanding connection to broadcasting of the nominee, which may be recommended by Committee and shall be deemed granted by a special resolution of members at an Annual General Meeting.

19. A Member will be considered to have committed himself/herself to the Constitution and will become entitled to enjoy the privileges and advantages of the Association;

20. It is the responsibility of each Member to provide the Secretary with details of all changes of status, including postal and email address.

#### **TERMINATION OF MEMBERSHIP**

21. A member of the Association may, at any time, resign from the Association by delivering or sending by Australia Post, or electronically, to the Secretary a written notice of resignation.

22. Upon receipt of a notice under Rule 20, the Public Officer shall remove the name of the member by whom this notice was given from the register of members, whereupon that member ceases to be a member of the Association.

23. A member shall also cease ipso facto to be a member of the Association if:

- (a) his annual subscription for the forthcoming financial year has not been paid within twenty eight days of the due date.
- (b) pursuant to the Constitution he shall be expelled from the Association in accordance with Rules 110 and 111; and
- (c) in the event of his death.

24. Any member who shall resign from the Association, or whose membership is forfeited, or who shall be expelled from the Association, shall notwithstanding be liable to pay the Association all subscriptions, fines and other monies due to the Association at the time of such resignation, forfeiture or expulsion.

25. A person ceasing to be a member for any reason whatsoever shall not be entitled to the return of his membership subscription or any part thereof.

26. A right or privilege of a person by virtue of his membership of the Association:

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

## **PRIVILEGES OF MEMBERSHIP**

27.

(a) Subject to the restrictions and limitations prescribed by, or pursuant to, the Constitution, the privileges of ordinary members and life members shall be:

- (1) the right to attend and vote at all general meetings of the Association, subject to the conditions of Rule 68;
- (2) the right to submit himself or herself as a candidate for any position in the Association subject to being a member for six months.
- (3) the right to apply to Committee to broadcast, subject to any Regulation governing the conditions of broadcasting and;
- (4) to receive any publications issued by the Association.

(b) Subject to the restrictions and limitations prescribed by, or pursuant to, the Constitution, the privileges of honorary members shall be:

- (1) the right to attend all general meetings of the Association, and participate in the debate thereat;
- (2) to receive any publications issued by the Association.
- (3) the right to apply to Committee to broadcast, subject to any regulations governing the conditions of broadcasting

## **INCOME AND PROPERTY**

28. The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects and purposes of the Association and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the Association.

29. The Association shall not:

- (a) appoint a person who is a member of the committee to any office in the gift of the Association to the holder of which there is payable any remuneration by way of salary, fees, or allowance: or
- (b) pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of Committee approved out-of-pocket expenses).

30. Nothing in Rules 28 and 29 prevents payment in good faith to a servant or member of the Association

- (a) remuneration in return for services actually rendered to the Association by the servant or member or for goods supplied to the Association by the servant or member in the ordinary course of business: or
- (b) interest at a rate not exceeding seven and one quarter percent on monies lent to the Association by the servant or member; or
- (c) a reasonable and proper sum by way of rent for premises let to the Association by a servant or member.

## **RECEIPTS AND EXPENDITURE**

31. True accounts shall be kept of:

- (a) all sums of money received and expended by the Association and the matter in respect of which the receipt or expenditure takes place; and
- (b) the property, credits, and liabilities of the Association.

32. The Treasurer of the Association shall faithfully keep all general records, accounting books, and records of receipts and expenditure connected with the operations and business of the Association in such form and manner as the committee may direct.

33. The accounts, books, and records referred to in Rule 32 shall be kept at the Association's office, or such place as the committee may decide.

34. Subject to any reasonable restrictions (a) a maximum of 7 days, as to time and manner of inspecting them that may be imposed by the Association for the time being, those accounts shall be open to inspection by members of the Association.

## **BANKING AND FINANCE**

35. The Treasurer of the Association, or such other person as may be nominated by the committee, shall on behalf of the Association, receive all monies paid to the Association, and forthwith after the receipt thereof issue official receipts therefor.

36. The committee shall cause to be opened with such bank as the committee selects a banking account in the name of the Association into which all monies shall be paid by the Treasurer, or such other nominated person, as soon as possible, but not longer than seven days, after receipt thereof.

37. The committee may receive from the Association's bank or bankers for the time being, the cheques drawn by the Association on any of its accounts with the bank or bankers and may release and indemnify the bank or bankers from and against all claims, actions, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of these cheques or the surrender thereof to the Association.

38. Except with the authority of the Committee no payment of a sum exceeding one hundred dollars (\$100.00) shall be made from the funds of the Association.

39. The committee may authorize the holding of an imprest float of up to three hundred dollars (\$300.00) by any one or more of the Office Bearers of the Association, in order to meet the payment of petty expenditure, subject to the observance by such Officer Bearers of conditions laid down for the use of expenditure thereof as the committee may impose.

40. Except as detailed in Rule 39, all other payments from the Association's bank accounts must be authorised by the Committee.

### **41. Payments**

(a) All cheques, electronic payments, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by the Treasurer, or in his absence, such other member or members of the committee as the committee may nominate for that purpose, and shall be countersigned by such other committee members as authorised by committee.

(b) All items as shown in 41(a) must carry a minimum of two authorized signatures.

## **AUDITOR**

42. At each Annual General Meeting of the Association, (unless good reason is shown) the members present shall appoint a person as Auditor of the Association

43. A person so appointed shall hold office until the Annual General Meeting next after the one at which he is appointed, and is eligible for re-appointment.

44. If an appointment is not made at an Annual General Meeting the committee shall appoint an Auditor of the Association for the then current financial year of the Association at the first available committee meeting after the Annual General Meeting.

45. During his term of office an Auditor may only be removed from office by a special resolution passed at a Special General Meeting.

46. If a casual vacancy occurs in the office of Auditor during the course of the financial year of the Association, the committee may appoint a person as Auditor, and the person so appointed shall hold office until the next succeeding Annual General Meeting.

#### AUDIT OF ACCOUNTS

47. Following the end of the financial year the Treasurer shall cause to be delivered to the Auditor a list of all accounts, books and records of the Association.

48. The Auditor:

(a) has a right of access to the accounts, books, records, vouchers and documents of the Association.

(b) may require from the servants and members of the Association such information and explanation as may be necessary for the performance of his duties as Auditor.

(c) may employ persons to assist him in investigating the accounts of the Association; and

(d) may, in relation to the accounts of the Association, examine any member of the committee or any servant of the Association.

49. The Auditor shall certify as to the correctness of the accounts of the Association and shall report thereon to the members present at the Annual General Meeting. In this report the Auditor shall state:

(a) whether he has obtained the information required by him;

(b) whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information at his disposal and the information given to him and as shown in the books of the Association; and

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

#### ANNUAL GENERAL MEETING.

50. The Association shall, in each financial year, hold an Annual General Meeting. It shall be held on such day, being not later than three months after the close of the financial year of the Association, as the committee may determine, and shall be in addition to any other general meetings that may be held in the same year.

51. The Annual General Meeting shall be specified as such in the notice convening it.

52. The ordinary business of the Annual General Meeting shall be to:

(a) confirm the minutes of the last preceding Annual General Meeting, and of any other general meeting the minutes of which have not at that time been confirmed;

(b) receive from the committee, auditor, and servants of the Association reports upon the transactions of the Association during the preceding financial year;

(c) elect the Office Bearers of the Association, and the ordinary committee-persons;

(d) appoint the Auditor:

(e) determine the remuneration (honorarium) of servants of the Association;

(f) transact any special business of which notice has been given in writing to the Secretary 28 days prior to the date of the Annual General Meeting

#### SPECIAL GENERAL MEETINGS.

53. All general meetings other than the Annual General Meeting shall be called Special General Meetings.

54. The committee may, whenever it thinks fit, convene a Special General Meeting of the Association.

55. The committee shall, on the requisition in writing of not fewer than thirty (30) members of the Association convene a Special General Meeting of the Association. Such requisition shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the office of the Association, and may consist of several documents in like form, each signed by one or more of the requisitionists.

56. If the committee does not cause a Special General Meeting to be held within twenty one days from the date on which a requisition therefor is deposited at the office of the Association, the requisitionists, or any of them, may convene the meeting, but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.

57. Special General Meeting called by requisitionists in pursuance of these rules shall be convened in the same manner as nearly as possible to that in which those meetings are convened by the committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring them.

#### NOTICE OF GENERAL MEETINGS.

58. The Public Officer of the Association shall, at least fourteen days before the day fixed for holding a general meeting of the Association give notice in writing to each member specifying the place, date and time for holding of the meeting, and the nature of business to be transacted thereat.

59. Notice of a general meeting shall be deemed to have been given to each member if it is sent through the post addressed to such member at the last address known to the Public Officer, or if it is sent electronically. The accidental omission to give such notice to a member, or the failure of a notice sent as aforesaid to be received, shall not invalidate a general meeting.

#### BUSINESS AND QUORUM.

60. All business that is transacted at Special General Meetings, and all business that is transacted at the Annual General Meeting, with the exception of that specially referred to in these rules as being ordinary business, shall be deemed to be special business.

61. No item of business shall be transacted at a general meeting unless a quorum of members entitled to vote under these rules is present during the time when the meeting is considering that item.

62. Thirty members personally present, being members entitled under these rules to vote, constitute a quorum for the transaction of the business of general meeting.

63. If within one hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting shall be dissolved.

64. The President, or in his absence, or if he be unwilling to act, the Vice President, shall be the chairman of all general meetings. If both the President and Vice President are absent from or unwilling to act at a general meeting, the members present shall elect one of their number to preside as chairman thereat.

#### ADJOURNMENT OF GENERAL MEETINGS.

65. The chairperson of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

66. Where a meeting is adjourned for fourteen days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting. Where a meeting is adjourned for fewer than fourteen days it is not necessary to give any notice of the adjournment.

#### DETERMINATION OF QUESTIONS.

67. A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the chairman that a resolution has been carried, or carried unanimously, or carried by a particular majority, or lost, and 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,

68. Every financial ordinary and every life member of the Association, who has been a member for three months prior to the Annual General Meeting, or any Special General Meeting, shall be entitled to vote at that meeting.

69. Upon any question arising at a general meeting of the Association, a member only has one vote. All votes shall be given personally. In the event of an equality of voting on a question the chairman of the meeting is entitled to exercise a second, or casting vote.

70. If at a meeting a poll on any question is demanded it shall be taken at that meeting in such manner as the chairperson may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

71. A poll that is demanded on the election of a chairperson, or on a question of adjournment, shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the chairperson may direct.

#### DISSENSION FROM CHAIRPERSON'S RULING

72. A motion to dissent from the ruling of the chairperson may be put at any time, and must be dealt with at that time. Members present are entitled to elect an interim chairperson to preside during the time that this matter only is discussed and determined whereupon the original chairperson shall resume the chair. In the event that the motion for dissension is carried by a special resolution, the chairperson is bound to accept such resolution, and shall immediately vacate the chair to enable proper discussion and voting procedures to follow

#### VOTES OF CENSURE.

73. In the event that a censure notion be carried by a special resolution, the person or persons against whom the motion was raised shall be considered censured, and all relevant details shall be recorded in the minutes of that meeting

#### VOTE OF NO CONFIDENCE

74. A notice of motion of "No Confidence" must be made in writing, signed by the proposer and Seconded and no fewer than 30 other financial members and lodged with the Public Officer. Such motion may be made against:

- (a) any Office Bearer or Office Bearers; or
- (b) any ordinary Committee member or members; or
- (c) the Committee of Management as a whole.

75. Upon receipt of such motion the Public Officer shall call a Special General Meeting to be held within twenty eight days solely for the purpose of discussing and determining such motion. In the event that such motion is carried by special resolution such person or persons against whom the motion was carried shall immediately forfeit the position as Office Bearer or Committee person, and shall not be allowed to accept nomination as an Office Bearer or ordinary Committee person for a period of twelve months from the date of the meeting at which the resolution was made.

#### MANAGEMENT OF THE AFFAIRS AND BUSINESS OF THE ASSOCIATION.

76. The affairs of the Association shall be managed by a Committee of Management constituted as provided in Rule 80. The Committee:

- (a) shall control and manage the business and affairs of the Association;

(b) may, subject to these rules, exercise all such powers and functions as may be exercised by the Association, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Association; and

(c) subject to the Act and these rules, has power to perform all such acts as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

77. In addition to the requirements of Rule 79, at the first meeting of the committee following the Annual General Meeting, the committee shall appoint nominees, in accordance with Rule 97, to cover each of the following areas of responsibility;

(a) multicultural interests

(b) broadcasting regulations:

(c) broadcasting standards and training: (d) programming:

(e) technical management:

(f) any other area deemed to require the services of a sub-committee

#### OFFICE BEARERS OF THE ASSOCIATION

78. The Office Bearers of the Association shall be:

(a) a President;

(b) a Vice President;

(c) a Treasurer; and

(d) a Secretary

#### COMMITTEE OF MANAGEMENT

79. The Committee of Management shall consist of:

(a) The Office Bearers of the Association

(b) eight other members.

80. The Public Officer shall be appointed from amongst the Committee and confirmed for a period of two years.

81. Members of the Committee of Management shall serve for two years from the Annual General Meeting at which they were elected. Six members will retire in rotation at each Annual General Meeting, but will be eligible for re-election. An Office Bearer, who has served two (2) terms, must then step down from that position for at least one (1) term.

(a) Even numbered years: Vice President and Secretary plus committee positions numbered 5 to 8 as per Schedule 1.

(b) Odd numbered years: President and Treasurer plus committee positions numbered 1 to 4 as per Schedule 1.

(c) Transition Rule for 2018/2019: Position of Secretary to be elected for one year term at 2018/2019 AGM.

82. In the event of a casual vacancy occurring amongst the committee, the Committee shall appoint a member of the Association to fill the vacancy, until the next Annual General Meeting.

(a) Where a casual vacancy occurs in the first year of a two year term, the position will be up for election at the next AGM for one year only.

83. Nomination of candidates for election to the Committee of Management shall:

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

(b) be delivered to the Public Officer twenty one days before the date fixed for holding the Annual General Meeting.

84. In the event the number of candidates exceeds the number of vacancies an election by ballot shall be held at the Annual General Meeting, but if there are only the requisite number of candidates, the chairperson shall declare those candidates duly elected. Should insufficient nominations be received to fill all the vacancies on the Committee of Management, the members may propose and second candidates orally at the Annual General Meeting to fill such vacancies, always providing the candidates so nominated signify agreement to such nomination.

85. For the purposes of these rules, the office of an Office Bearer of the Association or an ordinary Committee person becomes vacant if the Office Bearer or committee-person:

(a) dies;

(b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors, or makes any assignment of his estate for their benefit;

(c) becomes of unsound mind;

(d) resigns his office by writing under his hand addressed to the committee;

(e) ceases to be a resident of the State of Tasmania;

(f) fails, without leave granted by the committee, to attend two consecutive meetings of the committee;

(g) ceases to be a member of the Association; or

(h) fails to pay all arrears of subscriptions due by him within fourteen days after he has received a notice in writing signed by the Public Officer or Secretary stating that he has ceased to be a member of the Association.

86. The Committee of Management shall meet at least once in each month at such place and at such time as the committee may determine.

87. Written notice of each committee meeting shall be served on each member of the committee by notifying it to him at least seven days prior to the date fixed for the meeting.

88. Special meetings of the committee may be convened by the President, or any six of its members. Notice shall be given to members of the committee of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such meeting.

89. Any six members of the committee constitute a quorum for the transaction of the business of a meeting of the committee. No business shall be transacted unless a quorum is present, and if within thirty minutes of the time appointed for a meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week, unless the meeting was a special meeting in which case it lapses.

90. At a meeting of the committee:

(a) the President, or in his absence, or if he is unwilling to act, the Vice President shall preside; or

(b) if both the President and Vice President are absent, or unwilling to act, the members present shall elect one of their number to preside.

91. Questions arising at meetings of the committee or of any sub-committee appointed by the committee, shall be determined by a show of hands or, if demanded by a member, by a poll taken in such manner as the chairperson may prescribe.

92. Each member present at a meeting of the committee (including the chairperson) is entitled to one vote and, in the event of an equality of votes on any question, the chairperson may exercise a second or casting vote.

93. A member of the committee who is interested in any contract or arrangement made or proposed to be made with the Association shall disclose his interest at the first meeting of the committee at which the contract or arrangement is first taken into consideration, if his interest then exists, or, in any other case, at the first meeting of the committee after the acquisition of his interest.

94. If a member of the committee becomes interested in a contract or arrangement after it is made or entered into he shall disclose his interest at the first meeting of the committee after he becomes so interested.

95. No member of the committee shall vote as a member of the committee in respect of any contract or arrangement in which he is interested and if he does so vote his vote shall not be counted.

### **SUB-COMMITTEES**

96. The committee may at any time appoint a sub-committee as it may think fit and shall prescribe the powers and functions thereof. At the formation of a sub-committee by the committee, the name of the sub-committee chairman and its members shall be minuted. The committee may disband a sub-committee as it may think fit.

97. Each sub-committee must include at least one Management Committee Member.

98. The committee may co-opt as members of a sub-committee such members of the Association as it thinks fit, but a person so co-opted is entitled to vote only at meetings of that particular sub-committee.

99. The chairperson of each sub-committee is responsible for calling meetings of the sub-committee, and notifying members thereof of the details of such meeting. Three appointed members of a subcommittee constitute a quorum at a meeting of a sub-committee and minutes of the meetings shall be taken.

### **EXECUTIVE COMMITTEE**

100. The Office Bearers of the Association constitute an Executive Committee, which may make decisions and issue instructions in matters of urgency connected with the management of the affairs of the Association during intervals between meetings of the committee. Where any such decisions are made or instructions issued the Executive Committee shall report thereon to the next meeting of the committee.

### **ANNUAL SUBSCRIPTION**

101. Until otherwise varied pursuant to Rule 102 the annual subscription shall be:

- (a) for ordinary members the sum of thirty five dollars per year;
- (b) for ordinary members who are age pensioners, students, or receiving a government benefit, a concessional rate of twenty five dollars per year;
- (c) all government taxes included

102. The amount of the annual subscription may be altered from time to time by the members in general meeting by means of a special resolution.

103. Subject to this constitution and the by-laws, membership is valid for twelve months from the date of application and may be renewed from year to year by payment of the prescribed fee. Where payment is expired fresh application must be made.

### **FINANCIAL YEAR**

104. The financial year of the Association shall commence on the first day of July in each year and terminate on the thirtieth day of June in the following year.

## **NOTICES**

105. A notice may be served by or on behalf of the Association upon any member either personally, electronically, or by sending it through the post in a prepaid letter addressed to the member at his usual or last known place of abode.

## **CONDUCT OF MEMBERS**

106. A member, upon election to any category of membership, shall strictly observe, and act in conformity with, the Constitution and Regulations of the Association, and will, furthermore, uphold the honour of, and use his best endeavours to further the objects of the Association.

## **EXPULSION OF MEMBERS**

107. The committee may suspend or expel a member from the Association if, in the opinion of the committee the member has been guilty of conduct detrimental to the interests of the Association.

108. The expulsion of a member does not take effect until the expiration of fourteen days after the service of a notice under Rule 109, or if the member elects to exercise his right of reply under rule 109 or appeal under Rule 110, until the conclusion of the Special General Meeting convened to hear the appeal. The suspension of a member takes place with immediate effect.

## **109. RIGHT OF REPLY OF REJECTED APPLICANT OR DISCIPLINED MEMBER**

- (a) Where the committee passes a resolution under rule 14 (b) or rule 107, the secretary shall, as soon as practicable, cause a notice in writing to be served on the applicant or member subject of the resolution
  - (1) setting out the resolution of the committee and the grounds on which it is based;
  - (2) stating that the applicant or member subject of the resolution may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the service of the notice;
  - (3) stating the date, place and time of that meeting; and constitutional template
  - (4) informing the applicant or member subject of the resolution that he may do either or both of the following:
    - (i) attend and speak at that meeting;
    - (ii) submit to the committee at or prior to the date of that meeting written representations relating to the resolution.
- (b) At a meeting of the committee held as referred to in clause (1) the committee shall-
  - (1) give the applicant or member subject of the resolution an opportunity to make oral representations
  - (2) give due consideration to any written representations submitted to the committee by the applicant or member subject of the resolution at or prior to the meeting; and
  - (3) by resolution determine whether to confirm or to revoke the resolution.
- (c) Where the committee confirms a resolution under sub-clause (2), the secretary shall, within 7 days after that confirmation, by notice in writing inform the applicant or member subject of the resolution of the reasons for the confirmation and of the right of appeal under rule 13.
- (d) A resolution confirmed by the committee does not take effect:
  - (a) until the expiration of the period within which the applicant or member subject of the resolution is entitled to appeal against the resolution where the applicant or member subject of the resolution does not exercise the right of appeal within that period; or

(b) where within that period the applicant or member subject of the resolution exercises the right of appeal, unless and until the association confirms the resolution under rule 111, whichever is the later.

#### **110. RIGHT OF APPEAL OF REJECTED APPLICANT OR DISCIPLINED MEMBER**

(a) A rejected applicant or member may appeal to the association at a general meeting against a resolution of the committee under rule 11, within 7 days after notice of the resolution is served on the rejected applicant or member, by lodging with the secretary a notice to that effect.

(b) The notice may, but need not, be accompanied by a statement of the grounds on which the rejected applicant or member intends to rely for the purposes of the appeal.

(c) On receipt of a notice from a rejected applicant or member 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.

(d) At a general meeting of the association convened under rule 113:

(1) no business other than the question of the appeal is to be transacted; and

(2) the committee and the rejected applicant or member must be given the opportunity to state their respective cases orally or in writing, or both; and

(3) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

(e) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

#### **REGULATIONS**

111. The committee may make Regulations, and from time to time amend such Regulations by variation, deletion or addition as they shall think fit, on any matter necessary, providing always that such Regulations are not contrary to the Constitution.

#### **ELECTRONIC COMMUNICATIONS**

112. Any act, matter or thing that under this Constitution must be done in writing may be done by way of electronic communication and is deemed to satisfy this Constitution if done by way of electronic communication.

#### **ALTERATION TO THE CONSTITUTION**

113. Alteration to the Constitution by variation, deletion or addition may be made by a special resolution passed at a Special or Annual General Meeting of members.

114. Any proposed alteration to the Constitution must be submitted in writing to the Public Officer who must convene a Special General Meeting to consider such alteration within twenty eight days of the receipt thereof.

115. Notice of any proposed alteration to the Constitution shall be sent to each member in accordance with Rules 59 and 60.

#### **SEAL OF THE ASSOCIATION**

116. The seal of the Association shall be in the form of a rubber stamp, inscribed with the name of the Association encircling the word "Seal". The seal of the Association shall not be affixed to any instrument except by the authority of the committee, and the affixing thereof shall be attested by the signatures of two members of the committee, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee. The seal shall remain in the custody of the Public Officer.

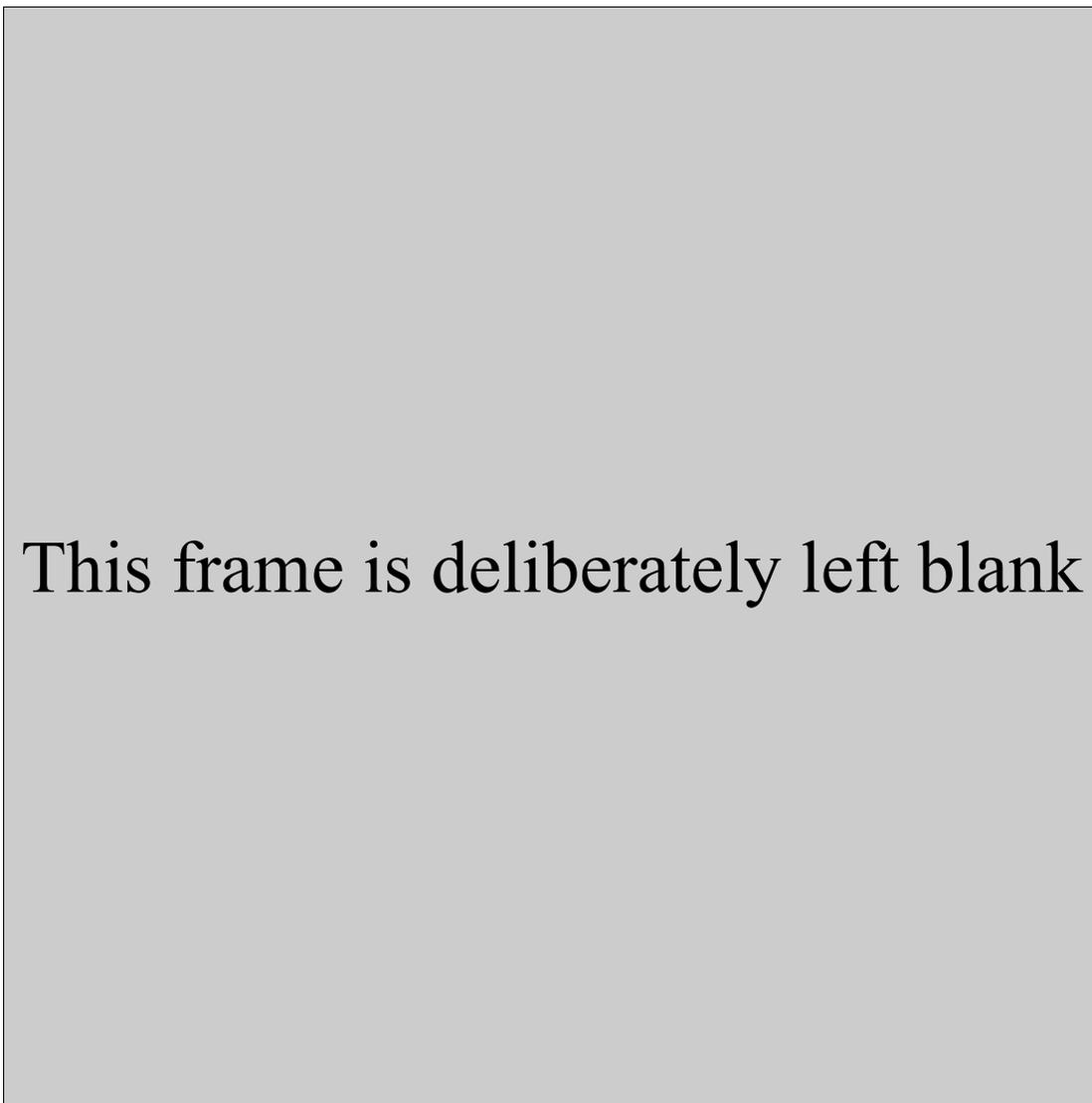
**WINDING-UP**

117. A motion to wind up the Association shall be submitted in writing to the Public Officer, who shall arrange a Special General Meeting to discuss that motion, the disposal of assets and the settlement of liabilities. All motions relating to the winding up shall be decided by special resolution.

118. In the event of the Association being wound up:

- (a) every member of the Association; and
- (b) every person who, within a period of twelve months immediately preceding the commencement of winding up, was a member of the Association is liable to contribute to the assets of the Association for payment of the debts or liabilities of the Association and for the costs, charges, and expenses of the winding up and for the adjustment of the rights of the contributors among themselves such sum, not exceeding five dollars, as required, but a former member is not liable to contribute in respect of any debt or liability of the Association contracted after he ceased to be a member.

119. In the event of the Association being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities, shall be paid and applied by the committee in accordance with their powers, to an organization which is exempt from Income Tax under Section 78(1)a of the Income Tax Assessment Act



Schedule 1 to the Constitution of Hobart FM Inc.

<b>Hobart FM Inc Management Committee – election rotation and treatment of casual vacancies Committee positions numbered for rotation as at 15 August 2018</b>			
President	Elected 2018 for two years	Election due Sept 2019 AGM	Two year term
Vice President	Casual appointment May 2018	Election due Sept 2018 AGM	Elect for two years
Treasurer	Elected 2018 for two years	Election due Sept 2019	Two year term
Secretary	Elected 2018 for two years	Election due Sept 2019	Needs transition clause to put up for election at Sept 2019 for one year term.
1. vacant			Sept 2018
2. Helen Lindsay			Sept 2018
3. Joy Jones	Appointed 15 August 2018	Casual vacancy	Sept 2018
4. Prisca Kwok	Casual appointment 16 May 2018	Due sept 2018	Sept 2018
5. Ian Crook	Elected April 2018 for two years		Due 2019
6. David Mitchell	Elected April 2018 for two years		Due 2019
7. Karl-Heinz Jakubec	Elected April 2018 for two years		Due 2019
8	Elected 2018 for two years	vacant	Due 2019
Public Officer (Roger Joseph)	Appointed	21/06/18 until June 2020	June 202

I **Roger Joseph** public officer, being duly authorised thereto, hereby certify that this page and the preceding fifteen (15) pages are a true copy of the Constitution of the Association as approved on 26 September 2018

signed



Date 26 September 2018