

# 2015 RADIO GEEVESTON YOUTH INCORPORATED CONSTITUTION

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# 2015 RADIO GEEVESTON YOUTH INCORPORATED CONSTITUTION

## 1. NAME

The name of the Association shall be Radio Geeveston Youth Incorporated, trading as Huon and Kingston FM. (in this constitution called 'the Association')

## 2. INTERPRETATION

In this Constitution, unless the context otherwise requires:

*Act* means the Associations Incorporation Act 1964

*annual general meeting* means an annual general meeting of the Association held under Rule 11.1;

*Association* means the Association referred to in rule 1;

*Auditor* means the person appointed as the auditor of the Association under rule 9.1;

*basic objects of the Association* means the objects and purposes of the Association as stated in an application under section 7 of the Act for the incorporation of the Association;

*Committee* means the committee of management referred to in rule 21.1;

The constitution shall be the constitution adopted by the Association as amended from time to time and the Model Rules prescribed by the Associations Incorporation Act 1964 shall not apply to the Association and are hereby excluded from this constitution

*financial year* has the same meaning as in the Act;

*general meeting* means

(a) an annual general meeting or

(b) a special general meeting;

*officer of the Association* means a person elected as an officer of the Association at an annual general meeting or appointed as an officer of the Association under rule 22.1.

*ordinary business of an annual general meeting* means the business specified in rule 11.2;

*ordinary committee member* means a member of the committee other than an office bearer of the Association;

*special committee meeting* means a meeting of the committee that is convened under Rule 26.5.

*special general meeting* means a meeting of the Association, other than an annual general meeting, convened under Rule 12.

*special resolution* means, a resolution is a special resolution if it is passed by a majority of not less than three quarters of such members of an incorporated association entitled under the rules of the Association to vote as may be present in person at a general meeting of which notice specifying the intention to propose the resolution as a special resolution is given in accordance with this constitution.

**3. ASSOCIATION'S OFFICE**

The office of the Association shall be at the premises 10 School Road, Geeveston, or at such other place as decided by an annual or special general meeting.

**4. OBJECTS AND PURPOSES OF ASSOCIATION**

The basic objects of the Association are as stated in the application under Section (2) of Section 7 of the act for the incorporation of the Association lodged with the registrar pursuant to that section, namely:

4.1 To promote and foster the education, recreational and social interests of the community at large by the provision of radio broadcasts and other matters incidental thereto, including the making of an application for a license to broadcast within the Huon Valley and Kingborough Council areas in pursuance of these aims and as in the promise of performance in the license application namely:

4.2 As licensee, the Association will direct the broadcasts of its radio station to those members of the Huon Valley and Kingborough Council areas generally and in particular to those members of the community requiring an alternative, supplementary, complementary radio service with particular emphasis on the following areas of interest: music, local new, community and current affairs, sport, arts, education, aged, youth, children's and multicultural presentations.

4.3 The Association will:

- i) Continue to monitor its community of license and will remain responsive to its needs;
- ii) Abide by the terms of its license, the Community Broadcasters Association of Australia "herein after referred to as the CBAA" codes of practice, the Broadcasting Services Act 1992 and any regulations there under and to the Association's constitution;
- iii) Respond in its programs to the needs of sectors of the community whose specific needs are not served by other media including children;
- iv) Continue to ensure that Australian content requirements are exceeded and encourage and support local artists;
- v) Utilise the opportunity to use sponsorship as a fund-raising mechanism as required but will ensure that this does not interfere with, influence or control its programming.

**5. MEMBERSHIP OF ASSOCIATION**

5.1 An application for membership of the Association shall be made by the applicant in writing on the membership form and shall be lodged with the Secretary of the Association.

5.1.1 A full member of the Association shall be 18 years of age.

5.1.2 A youth member shall be a member who has not attained the age of 18 years at the date of membership or the anniversary of membership.

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- 5.2 As soon as practicable after receiving an application for membership, the Secretary shall refer the application to the Committee which shall determine whether to approve or reject the application. An application may only be rejected if:
- 5.2.1 There are reasonable grounds to believe that the applicant would not abide by the rules and objectives of the Association; or
  - 5.2.2 Required by law; or
  - 5.2.3 The applicant has been convicted of an indictable offence; or
  - 5.2.4 There are reasonable grounds to believe that the applicant would not abide by the Community Broadcasting Code of Practice; or
  - 5.2.5 There are reasonable grounds to believe that the applicant would pose a security risk to the members or premises of the Association.
- 5.3 Where the Committee resolves -
- 5.3.1 To approve an application for membership, the Secretary shall, as soon as practicable after that resolution, notify the applicant of that approval and request the applicant to pay within the period of 28 days after receipt by the applicant of the notification the sum payable under this constitution by a member as a membership fee.
  - 5.3.2 To reject an application for membership, the applicant shall have the right of reply and appeal under rule 33.1 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 rule 33.1.3 confirms the resolution in accordance with this rule.
- 5.4 The Secretary shall -
- 5.4.1 On payment of the sum payable referred to in Rule 5.3.1, within the period referred to in Rule 30, enter the applicants name in the register of members, and on the name being so entered the applicant becomes a member of the Association.
  - 5.4.2 Upon resolution of the Committee to reject an application being overturned on reply or appeal and payment of the required membership fee by the applicant, enter the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the Association.
- 5.5 Termination
- Membership is not capable of transfer and terminates upon expiration, resignation, expulsion (including life member) or death of the member.
- 5.6 Liability

In the event of The Association being wound up, every person who is a member or has in the previous twelve months been a member is liable to contribute a sum of not exceeding five

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dollars towards the debts and liabilities of the Association and costs of and associated with winding up.

### 5.7 Life Membership

5.7.1 A maximum of two life members can be appointed in any financial year.

5.7.2 A life member can only be appointed at the Annual General Meeting.

5.7.3 Conferring life membership shall be done in accordance with the criteria and the Associations' policy on life membership.

5.7.4 There shall be no more than six living Life Members at any one time

5.7.5 A life member shall not be liable for membership fees.

## 6. INCOME AND PROPERTY OF ASSOCIATION

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

6.1 The purchase, taking on lease or in exchange, hire or other acquisition of any real or personal property necessary or convenient for any of the objects or purposes of the Association;

6.2 The purchase, sale or supply of, or other dealing in, goods;

6.3 The construction, maintenance or alteration of any building or works necessary or convenient for any of the objects or purposes of the Association;

6.4 The acceptance of a gift for any of the objects or purposes of the Association;

6.5 The taking of any step the committee or the members of the Association at a general meeting determine expedient for the purpose of procuring contributions to the funds of the Association;

6.6 The printing and publishing of such publications - newspapers, periodicals, books, leaflets or other documents as the Committee or members in an Annual or Special General Meeting may think desirable for the promotion of the objects and purposes of the Association;

6.7 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 an Annual or Special General Meeting;

6.8 Subject to the provisions of the *Trustee Act 1898* the investment, in any manner the committee determines, of any money of the Association not immediately required for any of the objects or purposes of the Association;

6.9 The making of a gift, subscription or donation to any of the funds, authorities or institutions to which *section 78A of the Income Tax Assessment Act 1936* of the Commonwealth relates;

6.10 The establishment and support, or aiding in the establishment or support, of any other associations formed for any of the basic objects of the Association;

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- 6.11 The purchase, or acquisition, and the undertaking of all or part of the property, assets, liabilities or engagements of any association with which the Association is amalgamated in accordance with the provisions of the Act and the rules of the Association;
- 6.12 Participate in Federal or State government programs aimed at giving unemployed persons the opportunity to participate in projects that encourage and provide work experience, skills development projects and training.
- 6.13 The assets and income of the Association shall be applied solely in furtherance of its above mentioned objectives and no portion shall be distributed directly or indirectly to the members of the Association except as approved by the Committee as bona fide compensation for services or expenses incurred on behalf of the Association.
- 6.14 The Association shall not appoint a person who is a member of the Committee to any office for which there is any salary, remuneration or fees payable, and the Association may not pay to any Committee member any other benefit in money or monies worth other than commission or honorarium as set out in the By-laws, or repayment of out of pocket expenses.
- 6.15 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 by the Committee in accordance with their powers, to an organisation which has similar aims to the Association and which is exempt from income tax under Section 23 of the Income Tax Assessment Act.
- 6.16 The doing of any lawful thing incidental or conducive to the attainment of the objects or purposes of the Association.

### **7. ACCOUNTS OF RECEIPTS AND EXPENDITURE**

- 7.1 The Treasurer (in the absence of the Treasurer a nominated committee member) shall keep general records, accounting books, records of receipt and expenditure, true accounts of property, credits and liabilities of the Association and true accounts of all sums of money received and expended by the Association together with details of each transaction.
- 7.2 All accounts shall be open to the inspection of members of the Association. Where a member has requested to inspect the accounts they shall be made available to that member within 14 days of receipt of the request.
- 7.3 All monies paid to the Association shall be receipted and banked at the earliest opportunity. Where a payment is made into the Association's bank account by electronic funds transfer (EFT), a receipt shall be written as soon as practicable after such debit is made if required. All receipts, bank deposit records, and other financial statements and records shall be retained by the Treasurer and made available to the Auditor at the conclusion of the financial year.

### **8. BANKING AND FINANCE**

- 8.1 All payments made must be approved by the Committee and this approval must be noted in the minutes.

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- 8.2 No payment shall be made from the funds of the Association other than by cheque drawn on the Association's bank account, by electronic fund transfer, Bpay or other generally accepted forms of electronic transfer.
- 8.3 No cheques shall be drawn on the Association's accounts except for payments authorised by the committee provided however that the Manager or Treasurer shall have the power to pay accounts incurred in the day to day management of the station up to the sum of three hundred dollars without prior authority provided that such payment or payments are ratified at the next general meeting of the Committee.
- 8.4 All cheques, drafts, promissory notes, bills of exchange, Bpay or any other approved electronic fund transfer must be signed or authorised by any two of the persons holding the positions of Treasurer, President, Vice-President, Secretary or Station Manager.

### 8.5 Financial Year

The financial year of the Association is the period beginning on the first day of July in one year and ending on the last day of June the following year.

## 9. AUDITOR

- 9.1 At each Annual General Meeting, the members of the Association present at the meeting are to appoint a person as the auditor of the Association under Rule 11.2.5.
- 9.2 If an Auditor is not appointed at an annual general meeting under rule 9.1 the Committee is to appoint a person as the auditor of the Association as soon as practicable after that annual general meeting.
- 9.3 The Auditor is to hold office until the next annual general meeting and is eligible for re-appointment.
- 9.4 The Auditor may only be removed from office by special resolution.
- 9.5 If a casual vacancy occurs in the office of Auditor, the Committee is to appoint a person to fill the vacancy until the next annual general meeting.

## 10. AUDIT OF ACCOUNTS

The Auditor shall examine the accounts of the Association at least once per financial year, shall report thereon to the members at the Annual General Meeting and shall certify to the correctness of the accounts. In the report and in certifying to the accuracy, the Auditor shall state:

- 10.1 Whether the Auditor has obtained the information required,
- 10.2 Whether 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 available and the explanations given and shown by the books of the Association.

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- 10.3 Whether the rules relating to the administration of the Association have been observed.
- 10.4 The Auditor has a right of access to all accounts, books, records, vouchers and documents of the Association

### **11. ANNUAL GENERAL MEETING**

- 11.1 The Association shall hold an Annual General Meeting each year within three months of the end of the financial year.
- 11.2 The ordinary business of the Annual General Meeting shall be:
  - 11.2.1 To confirm the minutes of the last Annual General Meeting
  - 11.2.2 To receive reports upon the transactions and progress of the last financial year including reports from:
    - The Auditor
    - Treasurer
    - The President and Committee members
    - The persons employed by the Association
  - 11.2.3 To elect the President, Vice-president, Treasurer and Secretary
  - 11.2.4 To elect ten other Committee members
  - 11.2.5 To appoint and determine the remuneration of the Auditor
  - 11.2.6 To nominate or confirm the Public Officer
  - 11.2.7 And any other business of which notice has been given in accordance with this Constitution

### **12. SPECIAL GENERAL MEETINGS**

- 12.1.1 The President may, when he or she thinks fit, convene a special general meeting of the Association.
- 12.1.2 Any four members of the Committee shall convene a Special General Meeting within 21 days of the next committee meeting after the receipt of requisition/s in writing signed by ten members and stating the nature of the business to be conducted at that meeting.
- 12.2 If the Committee does not comply with Rule 12.1.2 above, any member who has signed the requisition may convene the meeting in accordance with these rules, providing the meeting is held within three months from the date of the deposit of the requisition.
- 12.3 No motion shall be passed at a Special General Meeting unless two thirds of the members who are present vote in favour of the motion.



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12.4 The only business to be transacted at a special general meeting is that which has been set out in the notice of the meeting.

12.5 The rules of an Annual General Meeting shall apply to a Special General Meeting.

### **13. NOTICE OF GENERAL MEETINGS**

At least fourteen days before the date fixed for any General Meeting, the Public Officer shall advertise in a local or statewide newspaper of general circulation in the Huon Valley and Kingborough areas a notice specifying the place, day and time for the holding of the meeting and advising the business to be transacted.

### **14. BUSINESS AND QUORUM AT GENERAL MEETINGS**

14.1 No item of business shall be transacted at an Annual or Special General Meeting unless ten members are present.

14.2 If ten members are not present within one hour of the appointed time of a meeting, it shall be dissolved and the Public Officer will advertise the place, date and time of the proposed General Meeting in accordance with Rule 13 hereof.

### **15. CHAIRPERSON AT GENERAL MEETINGS**

The President shall preside as Chairperson at every Annual or Special General Meeting and may adjourn the meeting from time to time and place to place. Where the President does not take the Chair the Vice-President shall chair the meeting. Where neither the President or Vice-President take the chair, the meeting shall appoint a chairperson to chair that meeting and shall exercise all the powers and duties of a chairperson except that he or she shall not have the right to a casting vote.

### **16. ADJOURNMENT OF GENERAL MEETINGS**

16.1 The Chairperson of a general meeting at which a quorum is present may adjourn the meeting with the consent of the members of the Association who are present and entitled to vote at the meeting to a date time and place agreed upon. 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.

16.2 If a meeting is adjourned for 14 days or more, notice of the adjourned meeting is to be given as per rule 13.

16.3 If a meeting is adjourned for less than 14 days, it is not necessary to give any notice of the adjournment or of the business to be transacted at the adjourned meeting.

### **17. DETERMINATION OF QUESTIONS ARISING AT GENERAL MEETINGS**

17.1 A question arising at a General Meeting may be determined by consensus or show of hands but if a poll is requested by a member on the question, it shall be taken.

17.2 All votes cast at a General meeting shall be cast in person and no proxy votes shall be cast.

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### 17.3 At a general meeting:

A special resolution shall be required to:

change the name of the Association;

change the objects of the Association;

change the Constitution of the Association;

amalgamate with another Association;

voluntarily wind up or cancel the registered Association and distribute property.

### 17.4 All other motions at a general meeting shall be resolved by ordinary resolution.

## 18. VOTES

18.1 The minimum age for voting at an annual general meeting or special general meeting shall be 16 years of age at the date of the relevant meeting

18.2 Each member has one vote which must be cast personally. In the case of a tied vote on a question, the Chairperson is entitled to exercise a second or casting vote.

18.3 When voting, the highest number of votes will be deemed successful (first past the post system) except under rule 12.3.

## 19. TAKING OF A POLL

If at a general meeting a poll on any question is demanded then:

19.1 The poll is taken at the meeting in the manner the Chairperson determines and:

19.2 The result of the poll is taken to be the resolution of the meeting on that question.

## 20. WHEN POLL TO BE TAKEN

20.1 A poll that is demanded on the election of the Chairperson, or on a question of adjournment is to be taken immediately.

20.2 A poll that is demanded on any other question is to be taken at any time before the close of the meeting as the chairperson determines.

## 21. AFFAIRS OF ASSOCIATION TO BE MANAGED BY A COMMITTEE

21.1 The affairs and business of the Association shall be managed by a Committee of Management (hereinafter called the "Committee") and each member may be appointed a portfolio.

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21.2 The Committee may exercise all the powers of the Association, other than those powers and functions that are required by these rules to be exercised and performed by members at a general meeting.

21.3 The Committee has power to do anything that appears to the Committee to be essential for the proper management of the business and affairs of the Association.

21.4 The minimum age to be a voting member of the Committee shall be 18 years of age at the date of the annual or special general meeting at which the election is held.

### **22. OFFICERS OF THE ASSOCIATION**

22.1 The officers of the Association are as follows:

One President

One Vice-president

One Secretary

One Treasurer

22.2 Unless otherwise voted on by the Annual General Meeting the ballot for office bearers will be by secret ballot

22.3 Each officer of the Association is to hold office until the next Annual General meeting after that at which they were elected and is eligible for re-election.

22.4 If a casual vacancy in an office referred to in rule 22.1 occurs, the Committee may appoint one of its members to fill the vacancy until the next Annual General Meeting of the Association after the appointment.

### **23. CONSTITUTION OF THE COMMITTEE**

The Committee consists of:

23.1 The Officers of the Association

23.2 Six General Committee members elected at the Annual General Meeting

23.3 In addition to the General Committee members the annual meeting may elect or appoint persons to fill the following positions:

i) Two Local Council representatives one being an elected member of Huon Valley Council and one being an elected member of the Kingborough Council.

ii) One Business representative from a business operating within the Huon Valley and/or Kingborough Municipalities

iii) An accountant, financial adviser or professional; holding like qualifications.

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iv) One youth advisory representative who shall be a financial member of the Association who shall not be entitled to a vote but whose views may be noted in a resolution made by consensus.

23.4 If a casual vacancy under rule 23.2 and 23.3 occurs the Committee may appoint a member of the Association to fill the vacancy until the next Annual General Meeting of the Association after the appointment

### **24. ELECTION OF THE MEMBERS OF THE COMMITTEE**

24.1 Nominations of candidates for election as officers of the Association and ordinary committee members are to be made in writing signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and

24.1.1 Delivered to the Public Officer of the Association at least 10 days prior to the date fixed for the holding of the annual general meeting;

24.1.2 The Public Officer shall, at least 7 days prior to the date fixed for the holding of the annual general meeting, place, in a prominent position in the station, a list of nominees.

24.2 A nominee may present a written summary giving information about them to be provided to members entitled to vote.

24.3 Where written nominations have been received to fill all office bearers or ordinary committee position no further nominations can be accepted at the annual general meeting.

24.4 If insufficient nominations are received to fill all vacancies as per rule sub-rule 24.1.1, then:

24.4.1 the candidate(s) nominated are taken to be elected; and

24.4.2 further nominations are to be received from the floor at the Annual General Meeting.

24.5 If the number of nominations received in accordance with sub-rule 24.1.1 of this Rule is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

24.6 If the number of nominations under rule 24.4.2 exceeds the number of vacancies a ballot is to be held.

24.7 Unless otherwise voted on by the annual general meeting the ballot for General Committee members shall be by secret ballot

### **25. VACATION OF OFFICE**

For the purposes of these rules, the office of an Officer of the Association, or of an ordinary Committee member, becomes casually vacant if the Officer or Committee member:

25.1.1 Resigns, or

25.1.2 Ceases to be a resident in the State, or

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- 25.1.3 Fails to attend three consecutive meetings of the Committee (unless explanation is given to the satisfaction of the Committee), or a leave of absence is granted.
- 25.1.4 Ceases to be a member, or
- 25.1.5 Dies, or
- 25.1.6 Is dismissed from the Committee by a Special General Meeting, or
- 25.1.7 Becomes bankrupt or applies to take 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, or
- 25.1.8 Fails to pay all arrears of subscription due within fourteen days after receiving notice in writing signed by the Public Officer stating they have ceased to be a financial member of The Association, or
- 25.1.9 Becomes a represented person within the meaning of the Guardianship and Administration Act 1995

### **26. MEETINGS OF THE COMMITTEE**

- 26.1 The Committee shall hold a minimum of ten meetings each year. Meetings of the Committee may be convened by the President or any four of its members.
- 26.2 At any Committee meeting after the Annual General Meeting, the Committee may allocate portfolios amongst its members establish sub-committees and appoint members to those Sub-Committees.
- 26.3 Where the general committee comprises five members any four members of the Committee present constitute a quorum. Where the general committee comprises six or more members any six members present constitute a quorum and no business shall be transacted 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 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. If at any time during the meeting the number of members present falls below the relevant quorum the meeting shall be adjourned until the required number of members are present. If the required number of members is not present within 30 minutes of the commencement of the adjourned meeting the Chairperson shall close the meeting and no further business shall be transacted. The meeting may be adjourned to a later day and date or closed.
- 26.4 The President shall preside as Chairperson at every Committee meeting and may adjourn the meeting from time to time and from place to place. Where the President does not take the chair the Vice-president shall chair the meeting. Where neither the President nor Vice-President take the chair the meeting shall elect a member of the committee to take the chair for that meeting.
- 26.5 A special Committee meeting may be called by the President and or any four Committee members. Only the specified business for the Special meeting may be transacted.

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26.6 A question arising at a Committee meeting may be determined by consensus or show of hands, but if a poll is requested by a member on the question, it shall be taken. On any question arising, a member of the Committee has one vote only, including the Chairperson unless there is a tied vote, where the Chairperson then has a second or casting vote.

26.7 In the event of any vacancy in the Committee during its term, the Committee may appoint any member of the Association to fill that vacancy until the next Annual General Meeting.

### **27. DISCLOSURE OF INTERESTS**

27.1 If a member of the Committee or a subcommittee has a direct or indirect interest in any matter being considered or any contract or arrangement made or proposed to be made with The Association, that interest shall be disclosed at the earliest opportunity and shall leave the meeting until the matter is determined and shall not vote in respect of that matter.

27.2 If at a Committee or subcommittee meeting a member of such, votes in respect of any matter in which the member has a direct or indirect pecuniary interest, that vote shall not count.

### **28. SUBCOMMITTEES**

28.1 The Committee may appoint subcommittees under rule 26.2 as required

28.2 Each subcommittee shall be convened and chaired by a member of the Committee but may have members who are not members of the Committee.

28.3 A quorum for the transaction of the business of a subcommittee is three appointed members entitled to vote.

28.3 A member of the subcommittee who is not a member of the Committee may vote on any resolution considered by the sub-committee but shall not have a vote on the Committee.

28.4 The Chairperson shall prepare a written report of the sub-committee meeting to be presented to the next committee meeting.

### **29. EXECUTIVE COMMITTEE**

The President, Vice-president, Treasurer and Secretary constitute an Executive Committee which may act in matters of urgency relating to the management of the affairs of The Association during intervals between Committee meetings and shall report any action taken at the next Committee meeting.

### **30. ANNUAL SUBSCRIPTION**

30.1 The annual subscription shall be due and payable on the anniversary of the date he or she first became a member of the Association. Any member who has not renewed their subscription within 30 days of the due date shall be required to reapply to become a member.

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30.2 The annual subscription payable by members shall be determined by the Committee not less than three calendar months before the end of the current financial year. Where no such determination is made the subscription will remain as it was last determined.

### **31. SERVICE OF NOTICES AND REQUISITIONS**

Except as otherwise provided by these rules, a document including a notice of a general meeting may be served under these rules on a person by, giving it to the person, leaving it at, or sending it by post to the person's postal or residential address or place or address of business or employment last known to the server of the document, faxing it to the person's fax number or emailing it to the person's email address.

### **32. DISPUTES, COMPLAINTS, DISCIPLINE AND EXPULSION OF MEMBERS**

The general committee shall adapt policies to determine the handling of disputes, complaints, discipline and expulsion of members provided that such policies do not conflict with the provisions of this Constitution.

32.1 The Committee may hear a complaint or dispute between two or more members of the Association in accordance with the policy adopted by the Committee of the Association

32.1.2 A complaint may be made by any member of the Association that some other member of the Association: (a) has persistently refused or neglected to comply with a provision or provisions of this constitution; or

32.1.3 Has persistently and willfully acted in a manner prejudicial to the interests of the Association or has brought the Association into disrepute.

32.2 On receiving such a complaint, the Committee:

i) Must cause notice of the complaint to be served on the member concerned; and

ii) 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 complaint; and

iii) Must take into consideration any submissions made by the member in connection with the complaint.

32.2.3 The Committee may by resolution, resolve a dispute by agreement between the parties, dismiss the complaint, issue an oral warning, issue a written warning, expel a member, if in the opinion of the Committee the member is guilty of conduct detrimental to the Association.

### **32.3 Expulsion of a Member.**

32.3.1 The Committee may by resolution, expel a member, including a Life Member from the Association if in the opinion of the Committee the member is guilty of conduct detrimental to the Association. If a Life Member is expelled from the Association then that Life Membership is automatically revoked.

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32.3.2 The action to expel a member shall take effect:

- i) From the fourteenth day after the day a notice advising the member of the expulsion is served or deemed to have been served on the member; or
- ii) If the member exercises his or her right of appeal under Rule 33, then expulsion applies at the conclusion of the general meeting at which this appeal is determined and the expulsion is upheld.

### 32.4 **Disciplining a Member**

32.4.1 The Committee may without having received a complaint or notice of dispute, discipline a member, if in the opinion of the Committee the member is guilty of conduct detrimental to the Association

32.4.2 The disciplinary action is to be determined by the Committee

32.4.3 The action to discipline a member shall take effect in accordance with rule 32.3.2, i) and ii)

32.4.4 Except in exceptional circumstances under rule 32.4.1, the Committee shall not discipline or expel a member without a formal hearing.

32.4.5 The Secretary shall as soon as practicable cause a notice in writing to be served on the member:

- i) Setting out the nature of the complaint or dispute and the grounds on which it is based.
- ii) Stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after the service of the notice.
- iii) Stating the date, place and time of the meeting, informing the member they may do either or both of the following
  - a) attend and speak at the meeting
  - b) submit to the Committee at or prior to the meeting written representations relating to the matter.
- iv) By agreement between the parties the date time and place for the meeting may be changed

32.4.6 A member may be represented by an advocate who may or not be a member of the Association but shall not be a solicitor, barrister or person holding legal qualifications.

32.4.7 At the meeting held under 32.4.5 ii) the Committee shall

- i) Give the member the opportunity to make oral representations or submissions or clarify any issue.
- ii) If necessary the member may be questioned by the Committee in relation to the matter.



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iii) Conduct the meeting according to the principles of natural justice and procedural fairness.

32.4.8 The Committee shall give due consideration to any oral or written representations made by the member before determining the matter.

32.4.9 Following the hearing, the Committee may by resolution, dismiss the complaint, issue an oral warning, issue a written warning, suspend or expel the member.

32.4.10 The Secretary shall within 7 days after the meeting referred to in 32.4.9 by written notice inform the member of the decision of the Committee and advise the member of the right of appeal under rule 33.1

32.4.11 A resolution under rule 32.4.9 shall not take effect:

i) Until the expiration of the period within which the member subject of the resolution is entitled to appeal against the resolution where the member subject of the resolution does not exercise the right of appeal within that period; or

ii) Where, within that period the member subject of the resolution exercises the right of appeal, unless and until the Association confirms the resolution under rule 33, whichever is the latter.

### 32.5 **Complaints**

32.5.1 The Committee shall hear and determine any complaint made by a listener, member of the community, member of the Association or a volunteer.

32.5.2 Complaints shall be dealt with in accordance with the by-laws relating to complaints.

### **33. RIGHT OF APPEAL OF REJECTED APPLICANT EXPELLED OR DISCIPLINED MEMBER**

33.1 A rejected applicant, expelled member, disciplined member or a member against whom a complaint has been established may appeal to the Association at a Special General Meeting against a resolution of the Committee under rule 32.2.3 within 7 days after notice of the resolution is served on the rejected applicant, expelled or disciplined member (hereinafter called: the appellant”) by lodging with the Secretary a notice to that effect.

33.1.2 The notice may, but need not, be accompanied by a statement of the grounds on which the appellant intends to rely for the purposes of the appeal.

33.1.3 On receipt of a notice from the Appellant under Rule 33.1, the Secretary must notify the Committee which is to convene a Special General Meeting of the Association to be held within 28 days after the date on which the Secretary received the notice.

33.1.4 No business other than the question of the appeal is to be transacted; and

33.1.5 The Committee and the rejected applicant, expelled or disciplined member must be given the opportunity to state their respective cases, orally or in writing or both.

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

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33.1.7 If at the Special General meeting the Association passes a resolution under 33.1.6 in favor of the confirmation of the resolution, the resolution is confirmed.

### **34. SEAL**

34.1 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".

34.2. Seal Use

The seal of the Association shall not be affixed to any instrument without the authority of the Committee and the fixing thereof shall be attested by two members of the committee with their signature.

34.3 Seal Custody

The seal shall remain in the custody or under the care and control of the Public Officer.

### **35. PUBLIC OFFICER**

35.1 The Public Officer shall be appointed under rule 11.2.6 hereof. If the office of public officer at any time becomes vacant, the committee must appoint a new public officer within 14 days of the vacancy occurring.

35.2 The Public Officer's address is the official address for the service of legal documents on the Association.

35.3 The Public Officer shall:

i) Lodge a form notifying Corporate Affairs of their appointment within 14 days of the appointment.

ii) Keep the office of Corporate Affairs advised as required by law including names and changes within the Committee and the furnishing of financial statements at the end of each financial year

iii) Notify the Commissioner of any changes in the rules of the Association and the passing of special resolutions

iv) Bring all documents received to the attention of the Committee;

v) Receive nominations for the positions of officers and Committee members under rule 24.1

vi) Give notice of the annual general meeting, or of a special general meeting under Rule 13.

Vii) Carry out any other duties as required by the Incorporated Associations Act 1964.

### **36. CHANGES TO THE CONSTITUTION**

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36.1 This Constitution may be added to, rescinded and replaced or otherwise altered at an Annual General or Special General Meeting of which notice of the proposed amendments have been given.

36.2 No amendment to this Constitution shall take effect until it has been registered by the Commissioner for Corporate Affairs.

### **37. STATION MANAGER**

37.1 The Committee may appoint a Station Manager to carry out the duties set out in the Management Policy.

37.2 The Station Manager whether paid or voluntary shall not be an office bearer or General Committee member during the period they are employed as station manager. The Station Manager may be co-opted onto the Committee in a non-voting capacity at the discretion of the Committee.

37.3 Where no manager has been appointed, a member or members of the Committee may be appointed to carry out roles or duties designated by the Committee.

### **38. BY-LAWS AND POLICIES**

The Committee may make and enforce By-laws and policies from time to time as appropriate providing that no by-law shall conflict with this Constitution. Where there is conflict, this constitution prevails.