

# Constitution of Coffs Harbour and District Amateur Radio Club Incorporated

**Incorporated: 2<sup>nd</sup> July 1993**

**Incorporation Number: Y1721436**

**Document Date: 17/06/2021**

<b>Status</b>	<b>Date</b>	<b>Prepared</b>	<b>Reviewed</b>	<b>Approval</b>
Draft	10/02/2021	Eric Shaw		Registered with Fair Trading 29/06/2021
Draft 2	14/02/2021			
Draft3	20/02/2021			
Draft 4	01/03/2021			
DRAT 5	04/03/2021			
Final	12/03/2021			
Approved	17/06/2021			
Registered	29/06/2021			

## Table of Contents

### PART 1 –

<b>PRELIMINARY</b>	<b>4</b>
<b>1. DEFINITIONS.</b>	<b>4</b>

### PART 2 –

<b>MEMBERSHIP.</b>	<b>4</b>
<b>2. MEMBERSHIP QUALIFICATIONS.</b>	<b>4</b>
<b>3. MEMBERSHIP APPLICATION.</b>	<b>5</b>
<b>4. MEMBERSHIP RENEWAL.</b>	<b>5</b>
<b>5. CESSATION OF MEMBERSHIP.</b>	<b>5</b>
<b>6. MEMBERSHIP ENTITLEMENTS ARE NOT TRANSFERABLE</b>	<b>5</b>
<b>7. RESIGNATION OF MEMBERSHIP.</b>	<b>6</b>
<b>8. REGISTER OF MEMBERS.</b>	<b>6</b>
<b>9. FEES AND SUBSCRIPTIONS.</b>	<b>6</b>
<b>10. MEMBERS' LIABILITIES.</b>	<b>6</b>
<b>11. RESOLUTION OF INTERNAL DISPUTES.</b>	<b>7</b>
<b>12. DISCIPLINING OF MEMBERS.</b>	<b>7</b>
<b>13. RIGHT OF APPEAL OF DISCIPLINED MEMBER.</b>	<b>8</b>

### PART 3 –

<b>THE COMMITTEE.</b>	<b>8</b>
<b>14. POWERS OF THE COMMITTEE.</b>	<b>8</b>
<b>15. CONSTITUTION AND MEMBERSHIP OF THE COMMITTEE.</b>	<b>8</b>
<b>16. ELECTION OF MEMBERS TO THE COMMITTEE</b>	<b>9</b>
<b>17. SECRETARY.</b>	<b>10</b>
<b>18. TREASURER.</b>	<b>10</b>
<b>19. CASUAL VACANCIES ON THE COMMITTEE</b>	<b>10</b>
<b>20. REMOVAL OF COMMITTEE MEMBER.</b>	<b>10</b>
<b>21. MEETINGS AND QUORUM OF THE COMMITTEE.</b>	<b>11</b>
<b>22. DELEGATION BY COMMITTEE TO SUB-COMMITTEE</b>	<b>11</b>
<b>23. VOTING AND DECISIONS OF THE COMMITTEE</b>	<b>12</b>

### PART 4 –

<b>MEETINGS OF THE ASSOCIATION</b>	<b>12</b>
<b>24. GENERAL MEETINGS – CALLING AND HOLDING OF.</b>	<b>12</b>
<b>25. ANNUAL GENERAL MEETING – HOLDING OF.</b>	<b>12</b>
<b>26. ANNUAL GENERAL MEETINGS – CALLING OF AND BUSINESS AT.</b>	<b>12</b>
<b>27. SPECIAL GENERAL MEETINGS – CALLING OF.</b>	<b>13</b>
<b>28. NOTICE OF MEETINGS .</b>	<b>13</b>
<b>29. QUORUM FOR MEETINGS.</b>	<b>14</b>

<b>30. PRESIDING MEMBER.</b>	<b>14</b>
<b>31. ADJOURNMENT.</b>	<b>14</b>
<b>32. MAKING OF DECISIONS AT ALL MEETINGS.</b>	<b>14</b>
<b>33. SPECIAL RESOLUTION.</b>	<b>15</b>
<b>34. VOTING AT MEETINGS.</b>	<b>15</b>
<b>35. PROXY VOTING PERMITTED.</b>	<b>15</b>

**PART 5 –**

<b>MISCELLANEOUS.</b>	<b>15</b>
<b>36. INSURANCE.</b>	<b>15</b>
<b>37. FUNDS – SOURCE.</b>	<b>15</b>
<b>38. FUNDS – MANAGEMENT.</b>	<b>16</b>
<b>39. ALTERATION OF OBJECTS AND CONSTITUTION.</b>	<b>16</b>
<b>40. CUSTODY OF BOOKS.</b>	<b>16</b>
<b>41. INSPECTION OF BOOKS.</b>	<b>16</b>
<b>42 SERVICE OF NOTICES.</b>	<b>16</b>
<b>43. POSTAL VOTING NOT PERMITTED.</b>	<b>17</b>
<b>44. STATEMENT OF ASSOCIATION OBJECTS.</b>	<b>17</b>
<b>45. DISTRIBUTION OF PROPERTY ON WINDING UP OF ASSOCIATION.</b>	<b>17</b>
<b>46. ASSOCIATION IS NON-PROFIT.</b>	<b>17</b>
<b>47. FINANCIAL YEAR.</b>	<b>17</b>
<b>48. PRECEDENCE.</b>	<b>18</b>

**APPENDIX:**

<b>MEMBERSHIP APPLICATION/RENEWAL FORM APPENDIX 1</b>	<b>19</b>
<b>NOMINATION FORM APPENDIX 2</b>	<b>20</b>
<b>FORM OF APPOINTMENT OF A PROXY APPENDIX 3</b>	<b>21</b>

**PART 1 – PRELIMINARY**

## 1. Definitions.

1.1 In these rules:

**Commissioner means** - the **Commissioner** of the Office of Fair Trading.

**Association means** – Coffs Harbour and District Amateur Radio Club Incorporated.

**Committee member means** - a member who has been elected to the committee in accordance with clauses 15.4 and 16.

**Ordinary committee member means** - a committee member, who is not an office- bearer of the association, as referred to in clause 15.2

**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.

**Annual General Meeting means** – a meeting of the association held once annually to receive annual reports, elect a new Committee and such other business as indicated under clause 26.2

**General Meeting means** – a normal meeting of the association, usually held quarterly

**Special General Meeting means** – a general meeting of the Association other than an annual general meeting called to consider special items of business such as changes to the Constitution or other business as prescribed under rule 27.

**The Act means** – the Associations Incorporation Act 2009.

**The Regulation means** – the Associations Incorporation Regulation 2016.

1.2 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 the performance of the duty.

1.3 The provisions of the *Interpretation Act 1987* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

## PART 2 – MEMBERSHIP.

### 2. Membership qualifications.

2.1 A person is qualified to be a member of the association if, but only if:

(a) the person is a natural person and

(b) who has applied for membership of the association as provided by rule 3, and

(c) who has been approved for membership of the association at a committee meeting of the association.

2.2 The committee may recommend to a general meeting of the association that suitable persons be appointed Honorary Members. Such Honorary Members shall not pay subscription nor be entitled to vote at any meeting.

2.3 Members may, by resolution at an annual general meeting, confer Life Membership on any member for meritorious service to the association, such life member shall be entitled to all rights and responsibilities of membership of the association but shall not be liable to pay any subscriptions or levies.

2.4 A person may, with approval of the committee, be admitted as an Associate Member of the association on payment of a fee determined by the committee from time to time. An Associate Member has no voting rights

### **3. Membership application.**

3.1 Application for membership with the association must be in writing and lodged with the secretary of the association.

3.2 The application for membership shall be made on the prescribed form. See appendix 1 for the Application for Membership Application/Renewal Form.

3.3 Upon receiving an application for membership, the secretary must refer the application to the next committee and association meetings for determination.

3.4 As soon as practicable after that determination is made, the secretary must:

- (a) notify the applicant in writing of the determination, and
- (b) if the application is approved, request the applicant to pay, within the period of 28 days of the date of notification, all fees as determined by the committee to be appropriate.

3.5 The secretary must, on payment by the applicant of the amounts determined in accordance with sub-clause 3.4 (b) and within the period referred to in that provision, enter, or cause to be entered, the applicant's name and other required details, in the register of members. On the name being so entered, the applicant becomes a member of the association.

### **4. Membership renewal.**

4.1 Membership renewal with the association must be in writing and lodged with the treasurer of the association or as directed by the Committee.

4.2 The Membership renewal shall be made on the prescribed form. See appendix 1 for the Application for Membership Form.

4.3 Where a member has not paid, or renewed, his/her fees and/or levies within one (1) month of the due date, the member shall be deemed unfinancial and will not have any of the rights and privileges of membership.

### **5. Cessation of membership.**

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

- (a) dies or,
- (b) resigns membership,
- (c) or is expelled from the association, or
- (d) failed to pay his/her fees or levies within three (3) months of the due date and an entry into the Register of Members shall be made to that effect.

### **6. Membership entitlements are 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 the cessation of the person's membership.

## **7. Resignation of membership.**

7.1 A member of the association is not entitled to resign that membership except in accordance with this rule.

7.2 A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by giving a written notice of resignation to the secretary.

The resignation takes effect, subject to approval by the Committee, on:

- (a) the date and the time the notice is received by the secretary; or
- (b) if a later date is stated in the notice, the later date.

7.3 If a member of the association ceases to be a member under clause 7.2 and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

## **8. Register of members.**

8.1 The secretary of the association must establish and maintain a register of members of the association 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.

8.2 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.

8.3 A member of the association may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if some other amount is determined by the committee, that other amount.

## **9. Fees and subscriptions.**

9.1 A member of the association must, on admission to membership, pay to the association a joining fee of \$5 or, if some other amount is determined by the committee, that other amount.

9.2 In addition to any amount payable by the member under clause 9.1, a member of the association must pay to the association an annual membership fee of \$30 or, if some other amount is determined by the committee, that other amount.

9.3 The annual membership fee is payable:

- (a) except as provided by Sub-clause 9.3 (b), before 1st July in each calendar year, or
- (b) if the member becomes a member on or after 1st July in any calendar year – on becoming a member and before 1st July in each succeeding calendar year.

## **10. 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 clause 9.

## **11. Resolution of internal disputes.**

11.1 Disputes between members (in their capacity as members) of the association, and disputes between members and the association, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.

11.2 At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

## **12. Disciplining of members.**

12.1 Where the Committee or a member of the Club is of the opinion that a member of the association:

(a) has persistently refused or neglected to comply with a provision or provisions of this constitution, or any other rules the association may adopt from time to time;

or

(b) has persistently and wilfully acted in a manner prejudicial to the interests of the association, the committee;

(i) must cause notice of the complaint to be served on the member concerned, and

(ii) must give the member 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and

and

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

12.2 The committee may then by resolution:

(a) expel the member from the association; or

(b) suspend the member from membership of the association for a specified period not exceeding three (3) months.

12.3 Where the Committee passes a resolution under sub-clauses 12.2 (a) or (b), the Secretary shall, as soon as practical, and not exceeding 7 days, cause a notice in writing to be served on the member:

(a) setting out the resolution of the committee and the grounds on which it is based;

(b) 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 service of the notice;

(c) stating the date, place and time of the meeting;

(d) informing the member that the member 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 representation relating to the resolution.

12.4 At a meeting of the committee held as referred to in sub-clause 12.3, (b) and (c) the committee shall:

(a) give to the member an opportunity to make oral representations;

(b) give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and

(c) by resolution determined whether to confirm or to revoke the resolution.

12.5 Where the committee confirms a resolution under clause 12.4, the secretary shall,

within 7 days after that confirmation, by notice in writing inform the member of the fact and of the member's right of appeal under clause 13.

12.6 A resolution confirmed by the committee under clause 12.4 does not take effect:

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
- (b) where within that period the member exercises the right of appeal, unless and until the association confirms the resolution pursuant to clause 13.5.

### **13. Right of appeal of disciplined member.**

13.1 A member may appeal to the association in general meeting against a resolution of the committee under clause 12, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

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

13.3 On receipt of a notice from a member under clause 13.1, the secretary must notify the committee which is to convene a meeting of the association to be held within 28 days after the date on which the secretary received the notice.

13.4 At a general meeting of the association convened under clause 13.3:

- (a) no business other than the question of the appeal is to be transacted, and
- (b) the committee and the member 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.

13.5 If at the meeting called in accordance with clause 13.3, the resolution is supported by the majority of those present and voting, then the resolution is confirmed.

## **PART 3 - THE COMMITTEE.**

### **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 this constitution and to any resolution passed by the members of the association in any meeting:

- (a) shall control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by these rules to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

### **15. Constitution and membership of the committee.**

15.1 The committee is to consist of:

- (a) the office-bearers of the association, and
- (b) no less than three(3) ordinary members, each of whom is to be elected at the annual general meeting of the association under clause 16.



15.2 The office-bearers of the association are to be the President, Vice President, Secretary and Treasurer, all of whom shall be members of the association, provided however that the President shall hold an Amateur Radio Operators Certificate of Proficiency of some description and that not more than fifty percent of the number of the other members of the committee be non-certificate holders.

15.3 Each member of the committee is, subject to this constitution, 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.

15.4 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.

15.5 A committee member may hold up to 2 offices (other than both the offices of president and vice-president).

## **16. Election of members to the committee.**

16.1 Nominations of candidates for the election as office-bearers of the association or as ordinary members of the committee:

- (a) shall be a financial member of the association;
- (b) shall be made in writing on the Nomination Form shown in Appendix 2, signed by 2 members of the association other than the nominee and accompanied by the written consent of the candidate, and
- (c) shall be delivered to the secretary of the association, or other person the Committee nominates, by hand or by post at least 7 days before the date fixed for the holding of the Annual General Meeting at which the election is to take place, and
- (d) shall be on the approved form as prescribed in the Appendix 2.

16.2 If insufficient nominations are received in accordance with sub-clause 16.1(c) to fill all vacancies on the committee, the candidates nominated are taken to be elected. Further nominations may be received from the floor at the Annual General Meeting to fill the remaining vacant positions.

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

16.4 If the number of nominations received in accordance with sub-clause 16.1(c) is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

16.5 If the number of nominations received in accordance with sub-clause 16.1(c) exceeds the number of vacancies to be filled, a ballot is to be held.

16.6 Ballot for election of office-bearers and ordinary members

- (a) Process of nomination.

Members may be nominated for the position of office-bearer and/or an ordinary member of the committee if they so choose.

- (b) Process of the election.

The election of office bearers shall be carried out in the first instance. Where a member has nominated for more than one office-bearer position, the priority for voting consideration shall be President, Vice-President, Treasurer then Secretary. Once a member is elected to an office-bearer position, any other nomination(s) in the current election shall lapse.

- (c) Voting process.

Candidates shall be elected by a simple majority vote. The conduct of the ballot shall be by a show of hands unless a secret ballot is called.

## **17. Secretary.**

17.1 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.

17.2 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 any other meeting of the association, and
- (c) all proceedings at all association meetings.

17.3 Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

## **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 authorised by the association are made, and
- (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.

## **19. Casual vacancies on the committee.**

For the purpose of this constitution, 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 bankrupt, applies to take benefit of any law for the relief of bankrupt or an insolvent debtors, compounds with his or her creditors, or makes an assignment of his or her remuneration for their benefit under administration within the meaning of the Corporations Act 2001, of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under clause 20, or
- (f) becomes a mentally incapacitated person, or becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act 1958 or a person under detention under Part 7 of that Act, 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 committee member.**

20.1 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.

20.2 A member may be removed from office at a general meeting of the association if a majority of the members present and voting at a meeting vote in favour of removing the member.

20.3 A member has no right of appeal against a member's removal from office under this section.

## **21. Meetings and quorum of the committee.**

21.1 The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.

21.2 Additional meetings of the committee may be convened by the president or by any member of the committee.

21.3 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.

21.4 Notice of a meeting given under clause 21.3 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.

21.5 A quorum of members for the committee of the association shall be five (5) members of the association present in person and entitled to vote as committee members.

21.6 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.

21.7 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.

21.8 At a 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 one of the remaining members of the committee as may be chosen by the members

## **22. Delegation by committee to sub-committee.**

22.1 The committee may, by instrument in writing, delegate to one or more subcommittees (consisting of such member or 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.

22.2 A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

22.3 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.

22.4 Despite any delegation under this clause, the committee may continue to exercise any function delegated.

22.5 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.

22.6 The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

22.7 A sub-committee may meet and adjourn, as it thinks proper.

22.8 A sub-committee shall have no control whatsoever of any of the association's funds.

### **23. Voting and decisions of the committee.**

23.1 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 and voting at the meeting.

23.2 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.

23.3 Subject to clause 21.5, the committee may act despite any vacancy on the committee.

23.4 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.

## **PART 4 - MEETINGS OF THE ASSOCIATION.**

### **24. General Meetings – calling and holding of**

The committee shall convene no less than 3 (or such additional number as the committee sees fit) meetings of the association in any one financial year.

### **25. Annual General Meeting – holding of**

25.1 The association must convene an annual general meeting of its members once in each calendar year and within the period of 6 months after the expiration of each financial year of the association.

25.2 Clause 25.1 has effect subject to any extension or permission granted by the Commissioner under section 26 (3) of the Act.

### **26. Annual General Meetings – calling of and business at**

26.1 The annual general meeting of the association is, subject to the Act and to clause 25, to be convened on such date and at such place and time as the committee thinks fit.

26.2 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) to elect office-bearers of the association and ordinary members of the committee,
- (d) election of a Returning Officer (under clause 26.3) and Assistant Returning Officer,
- (e) to receive and consider the statement which is required to be submitted to members under section 26 (6) of the Act.
- (f) to receive and consider any nomination(s) for life membership of the association.

26.3 A Returning Officer shall be elected at each annual general meeting of the association whose duties shall be to conduct the next annual election of committee members. The returning officer need not be a committee member. If the returning officer ceases to be a member or resigns their position during their term of office, an election to fill the vacancy shall be held at the next general meeting of the association. In the event there is no general meeting of the association between the date of resignation and the next annual general meeting, then the committee shall appoint a returning officer as a casual vacancy under clause 15.4

26.4 An annual general meeting must be specified as such in the notice.

## **27. Special General Meetings – calling of**

27.1 The committee may, whenever it thinks fit, convene a special general meeting of the association.

27.2 The committee must, on the requisition in writing of at least 5 percent of the total number of members, convene a special general meeting of the association.

27.3 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 requisition.

27.4 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.

27.5 A special general meeting convened by a member or members as referred to in clause 27.4 must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by the association for any expense so incurred.

## **28. Notice of meetings.**

28.1 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, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

28.2 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 given to each member specifying, in addition to the matter required under clause 28.1, the intention to propose the resolution as a special resolution.

28.3 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 clause 26.2.

28.4 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.

## **29. Quorum for meetings.**

29.1 No item of business is to be transacted at a general meeting, annual general meeting or special general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

29.2 For meetings described under clause 29.1, ten (10) members present in person (being members entitled under these rules to vote at a general meeting) shall constitute a quorum for the transaction of business.

29.3 If within half an hour after the appointed time for the commencement of a 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.

29.4 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.

## **30. Presiding member.**

30.1 The president or, in the president's absence, the vice-president, is to preside as chairperson at each meeting of the association.

30.2 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.

## **31. Adjournment.**

31.1 The chairperson of any 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.

31.2 If a 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.

31.3 Except as provided in clauses 31.1 and 31.2, notice of an adjournment of a meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## **32. Making of decisions at all meetings.**

32.1 A question arising at any 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.

32.2 At all meetings of the association, a poll may be demanded by the chairperson or by at least 3 members present in person at the meeting.

32.3 If a poll is demanded at any 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, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

### **33. 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 of such members of the association as, being entitled under these rules so to do, vote in person at a 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 this constitution, 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 33 (a), if the resolution is passed in a manner specified by the Commissioner.

### **34. Voting at meetings.**

34.1 Except as provided in clause 34.3, on any question arising at any meeting of the association a member has one vote only.

34.2 On a show of hands a member has only one vote.

34.3 In the case of an equality of votes on a question at any meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

34.4 A member is not entitled to vote at any meeting of the association unless all money due and payable by the member has been paid, including the amount of the annual subscription payable in respect of the then current year.

### **35. Proxy voting permitted.**

35.1 Voting by proxy is permitted at any meeting of the association.

35.2 Proxies may only be given and held by Financial Members of the association.

35.3 No member may hold more than three proxies.

35.4 Proxies shall be delivered to the secretary of the association, or to another person nominated by the Committee, by any of the methods prescribed in Clause 43.1, at least 7 days before the date fixed for the holding of any meeting to which they apply and shall be on the approved form as prescribed in the Appendix 3.

## **PART 5 – MISCELLANEOUS.**

### **36. Insurance.**

The association may effect and maintain appropriate insurance.

### **37. Funds – source.**

37.1 The funds of the association are to be derived from joining fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in any meeting, such other sources as the committee determines.

37.2 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.

37.3 An appropriate association receipt must be issued as soon as practicable after any money is received.

### **38. Funds – management.**

38.1 Subject to any resolution passed by the association in any 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.

38.2 All cheques and other negotiable instruments must be signed by any 2 members of the committee of the association, being members authorised to do so by the committee.

### **39. Alteration of objects and Constitution.**

The statement of objects and this constitution may be altered, rescinded or added to only by a special resolution of the association.

### **40. Custody of books.**

41.1 Except as otherwise provided by this constitution, the secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

41.2 The Treasurer shall be entitled to keep the books of account of the association under his or her control.

### **41. Inspection of books.**

The records, books and other documents of the association must be open to inspection, free of charge, by a member of the association at any reasonable hour.

### **42. Service of notices.**

42.1 For the purpose of this constitution, a notice may be served on or given to a person:

- (a) by delivering it to the person personally, or
- (b) by sending it by pre-paid post to the address of the person, or
- (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.

42.2 For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:

- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
- (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.



#### **43. Postal voting not permitted.**

Postal voting is not permitted in any meeting of the association.

#### **44. Statement of Association Objects.**

The statement of objects of the Coffs Harbour and District Amateur Radio Club Incorporated are:

- (a) To further the advancement of Amateur Radio and Electronic knowledge and encourage social intercourse between members of the association.
- (b) To provide a venue and teaching facility for the education of all members in the fields of Amateur Radio, Electronics and related subjects.
- (c) To liaise with similar organisations, Government Departments and statutory bodies at all levels.
- (d) To share ideas of common interest and mutual benefits.
- (e) To expect members will act in accord with the principles of “The Amateur’s Code”.
- (f) To promote and conduct either alone or jointly with other persons, organisations, associations or clubs, social functions and events, outings, rallies, meetings, conferences, expeditions and to assist community services in furtherance of the interests of the association and its members.
- (g) To do all such other lawful things as may appear to be incidental or conducive to the attainment of the above objects or any of them.
- (h) To require all members, while participating in association activities, to act in an environmentally and socially responsible manner and in accordance with the law.

#### **45. Distribution of property on winding up of association.**

- (a) Subject to the Act and the Regulations, in a winding up of the association, any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.
- (b) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.

#### **46. Association is non-profit.**

Subject to the Act and the Regulation, the association must apply its funds and assets solely in pursuance of the objects of the association and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

#### **47. Financial year.**

The financial year of the association is the period of time commencing on 1 July of the year and ending on the following 30 June.

**48. Precedence.**

The Act, the Regulations and this constitution shall, in that order, take precedence

# Coffs Harbour & District Amateur Radio Club Incorporated.

Established 15th October, 1978  
Rex Hardaker Lane, Toormina, NSW, 2452

All correspondence to: <[secretary@chadarc.org.au](mailto:secretary@chadarc.org.au)>

President: [president@chadarc.org.au](mailto:president@chadarc.org.au)

Vice President: [vicepresident@chadarc.org.au](mailto:vicepresident@chadarc.org.au)

Secretary: [secretary@chadarc.org.au](mailto:secretary@chadarc.org.au)

Treasurer: [treasurer@chadarc.org.au](mailto:treasurer@chadarc.org.au)

Club Webpage <https://chadarc.org.au>

## Membership Application/Renewal

(Circle as applicable)

Your current callsign (if any): .....

WIA member ... **yes** ... **no** ... please circle.

[Please print all fields]

Name: .....

Address: .....

Phone Number: .....

Mobile Number: .....

Email Address: .....

Single Membership: (\$40.00) or ...

Family membership: (\$70.00) ... [ Each person resides at the same address ]

I hereby agree to abide by the constitution of the Coffs Harbour & District Amateur Radio Club Inc.

Signed: .....

Dated: .....

Thank you for becoming a member or for renewing your membership.

Membership Application Form Appendix 1 Clause 3.2

# Coffs Harbour & District Amateur Radio Club Incorporated.

Established 15th October, 1978  
Rex Hardaker Lane, Toormina, NSW, 2452

All correspondence to: <[secretary@chadarc.org.au](mailto:secretary@chadarc.org.au)>

President: [president@chadarc.org.au](mailto:president@chadarc.org.au)

Vice President: [vicepresident@chadarc.org.au](mailto:vicepresident@chadarc.org.au)

Secretary: [secretary@chadarc.org.au](mailto:secretary@chadarc.org.au)

Treasurer: [treasurer@chadarc.org.au](mailto:treasurer@chadarc.org.au)

Club Webpage <https://chadarc.org.au>

## Nomination Form for Year .....

We the undersigned Full Members wish to nominate (Full Name please):

\_\_\_\_\_

For the position of:

\_\_\_\_\_

Name of proposer: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Seconder: \_\_\_\_\_

Signature: \_\_\_\_\_

I accept the above nomination for this position:

Signature of Nominee: \_\_\_\_\_

Nominations shall be signed by two Financial Members of the Club and endorsed by the Nominees (who must also be a Financial Members), otherwise the nomination will be declared informal.

ALL NOMINATIONS ARE TO BE ENCLOSED IN A SEALED ENVELOPE AND MUST BE RECEIVED BY THE SECRETARY OR OTHER PERSON NOMINATED BY THE COMMITTEE, **BY 4.00PM ON THE THURSDAY SEVEN DAYS PRIOR TO THE DAY SET FOR THE ANNUAL GENERAL MEETING.**

# Coffs Harbour & District Amateur Radio Club Incorporated.

Established 15th October, 1978  
Rex Hardaker Lane, Toormina, NSW, 2452

All correspondence to: <[secretary@chadarc.org.au](mailto:secretary@chadarc.org.au)>

President: [president@chadarc.org.au](mailto:president@chadarc.org.au)

Vice President: [vicepresident@chadarc.org.au](mailto:vicepresident@chadarc.org.au)

Secretary: [secretary@chadarc.org.au](mailto:secretary@chadarc.org.au)

Treasurer: [treasurer@chadarc.org.au](mailto:treasurer@chadarc.org.au)

Club Webpage <https://chadarc.org.au>

## Form of Appointment of a Proxy

I,.....of .....  
*(full name)* *(address)*

being a financial member of the Coffs Harbour and District Amateur Radio Club Inc. hereby

appoint ..... of .....  
*(full name of proxy)* *(address)*

being a financial member of that incorporated association, as my proxy to vote for me on my behalf at the Annual General Meeting/ Quarterly General Meeting/ or Special General Meeting (delete as applicable) of the association to be held on the

.....day of.....  
*(month and year)*

and at any adjournment of that meeting.

\* My proxy is authorised to vote in favour of/ against a specific motion (insert details below) and/or in favour of/ against any other motion that may be presented at meeting (delete as applicable).

Details of motion:.....

.....  
Signature of member appointing proxy

Date.....

NOTE: A proxy vote may not be given to a person who is not a financial member of the association.  
Appointment of a Proxy Form Appendix 3 Clause 35.4