

**CONSTITUTION OF THE  
SUNSHINE COAST AMATEUR RADIO  
CLUB INC.**

# Document Control

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## 1 Interpretation

(1) In these rules—

**Acts** means the Associations Incorporation Act 1981 and Associations Incorporation and Other Legislation Amendment Act 2020

**Regulation** means the Associations Incorporation Regulation 1999

(2) A word or expression that is not defined in these rules, but is defined in the Acts has, if the context permits, the meaning given by the Acts.

**Approved form**, see Rule 37

**Association** means an association, society, club or other entity formed, or carried on, for a lawful purpose

**Eligible to vote**, means a person who is currently registered as a member and is financial at the time of voting.

**Financial statement**, for an incorporated association, means a statement containing the following particulars—

- (a) the association's income and expenditure during the financial year to which the statement relates;
- (b) the association's assets and liabilities as at the end date of the financial year to which the statement relates;
- (c) the mortgages, charges and securities affecting the association's property as at the end date of the financial year to which the statement relates.

**Financial year**, for an incorporated association, means the 12-month period adopted by the association as its financial year in its rules.

**Incorporated association** means an association incorporated under the Act regardless of whether it is called an Association, Society, Club or other entity.

**Model Rules**, for the club, means the model rules prescribed by the regulations

**Management Committee**, of an incorporated association means the Clubs Management Committee formed under the Act.

**Officer** of an incorporated association means the following individuals—

- (a) the club's president;
- (b) the club's secretary;
- (c) the club's treasurer;
- (d) members of the association's management committee.

**Present—**

- (a) at a management committee meeting, see rule 23(6); or
- (b) at a general meeting, see rule 34(2).

**President** of an incorporated association means the member of the Club's Management Committee who usually presides at meetings.

**Proposed rules** for the club means the rules and amendments the club proposes will become its rules under the Act.

**Rules** of an incorporated association are its rules in its constitution.

**Secretary** of an incorporated association means the member of the Club's Management Committee elected or appointed as the Club's Secretary.

**Special Resolution** of the Club means a resolution passed at a general meeting of the Club by the vote of members who are present and entitled to vote on the resolution. The resolution must get at least 75% of the vote to be passed.

**Treasurer** of an incorporated association means the member of the Club's

## 2 Name

The name of the incorporated Association is **SUNSHINE COAST AMATEUR RADIO CLUB Inc (in these rules called 'the Club')**.

## 3 Objects

The objects for which the Club is established are to;

- (1) Promote fellowship in the common interest of electronic communication.
- (2) Operate Amateur Radio Stations as authorised under the Radio Communications Act currently in force in order to transmit any mode that the Club deems applicable.
- (3) Educate members in electronic and associated theory, and to encourage good operating practices in all electronic communication.
- (4) Conduct experiments in all aspects of electronic communications.
- (5) Subscribe to and/or purchase publications to improve the technical and operational standards of members, regarding electronic communications and to provide information exchange facilities.
- (6) Hold meetings, training sessions and lectures to pursue the above objects.
- (7) Offer innovative and interactive opportunities for life-long learning.
- (8) Foster a spirit of friendliness social interaction, acceptance of others and co-operation among members.

## 4 Powers

- (1) The Club has the powers of an individual.
- (2) The Club may, for example—
  - a. enter into contracts; and
  - b. acquire, hold, deal with and dispose of property; and
  - c. make charges for services and facilities it supplies; and
  - d. do other things necessary or convenient to be done in carrying out its affairs.
- (3) The Club may also issue secured and unsecured notes, debentures and debenture stock for the Club.

## 5 Classes of members

The membership of the club shall consist of full members and any of the following classes of members.

### \*Full members

Full membership may be granted to persons holding a valid amateur radio station license.

### \*Social members

Social membership may be granted to persons not holding a valid amateur radio station license. Social members will only receive club publications electronically.

### \*Life members

Life membership may be granted to any person who in the opinion of the management committee, has contributed to the furtherance of the goals and aspirations of Amateur Radio in an outstanding manner.

### \*Honorary members

Honorary membership may be extended to visiting dignitaries or local persons of influence as may be recommended by the Management Committee from time to time.

(1) The number of all classes of membership shall be unlimited.

(2) Only financial full members have voting rights.

## 6 Automatic Membership

If a person leaves or resigns from the club, they can re-join the club within 12 months of their resigning or leaving by paying their membership fees and will not have to go through the New Membership procedure.

## 7 New memberships

Any person who supports the objects or purposes of the Club is eligible to apply to become a member.

(1) An applicant for membership of the Club must be proposed by 1 member of the Club (the **proposer**) and seconded by another member (the **seconder**).

(2) An application for membership must be—

- in writing, or other method approved by the management committee; or
- the online form on the club's website; and
- signed by the applicant and the applicant's proposer and seconder; and
- in the form decided by the management committee.

## 8 Membership fees

Any membership or other fees are to be paid by the members of each class of membership of the incorporated association.

(1) The membership fee for each ordinary membership and for each other class of membership (if any)—

- a. is the amount decided by the members from time to time at a general meeting; and
- b. is payable when, and in the way, the management committee decides.
- c. a renewal of membership form is to be completed each year to ensure personal details are up to date. By completing and submitting this form, you agree to abide by the Constitution, By-laws and Code of Conduct of the Sunshine Coast Amateur Radio Club Inc.

NOTE: Payment must be received before membership is accepted.

- (2) If a person's membership was terminated that person can never re-join this Club due to such termination.

## **9 Admission and rejection of new members**

- (1) The management committee must consider an application for membership no later than at the next committee meeting held after it receives—
  - a. the application for membership; and
  - b. the appropriate membership fee for the application.
- (2) The management committee must ensure that, as soon as possible after the person applies to become a member of the Club, and before the management committee considers the person's application, the person is advised—
  - a. whether or not the Club has public liability insurance; and
  - b. if the Club has public liability insurance—the amount of the insurance.
- (3) The management committee must decide at the meeting whether to accept or reject the application.
- (4) If a majority of the members of the management committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the class of membership applied for.
- (5) The secretary of the Club must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision.
- (6) An applicant for membership of the Club becomes a member when —
  - a. the committee accepts the application; and
  - b. the applicant pays any membership fees payable to the Club.

## **10 When membership ends**

The membership of a person ceases on resignation, termination of membership or death.

- (1) A member may resign from the Club by giving a written notice of resignation to the secretary.
- (2) The resignation takes effect at—
  - a. a month after the notice is received by the secretary; or
  - b. if a later time is stated in the notice—the later time.

- (3) The management committee may terminate a member's membership if the member—
- a. is convicted of an indictable offence; or
  - b. they have been convicted of a summary offence and sentenced to a period of imprisonment (other than in default of payment of a fine).
  - c. does not comply with any of the provisions of these rules; or
  - d. does not comply with the Club's Code of Conduct; or
  - e. has membership fees not paid prior to the March Annual General Meeting; or
  - f. conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the Club. Refer to By-Law 12.
- (4) In the event of a serious allegation against a member of the management committee, that member must step down from their roles during the investigation. Serious allegation is behaviour that is inconsistent with the code of conduct. In the case the secretary's membership is being investigated then the management committee must appoint a member of the committee as secretary until the matter is resolved.

## **11 Appeal against rejection or termination of membership.**

Whether or not there is a right of appeal against disciplinary action or suspension of membership and if so, how the right of appeal may be exercised.

- (1) A person who has their membership application rejected has no right of appeal.
- (2) A person who has their membership terminated has no right of appeal.
- (3) A person whose membership has been suspended or received other disciplinary action, may give the secretary written notice of the person's intention to appeal against the decision.
- (4) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.
- (5) If the secretary receives a notice of intention to appeal, the secretary must, within 1 month after receiving the notice, call a special general meeting to decide the appeal.

## **12 Special General meeting to decide appeal**

- (1) The special general meeting to decide an appeal must be held within 3 months after the secretary receives the notice of intention to appeal.
- (2) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be suspended or terminated.
- (3) Also, the management committee and the members of the committee who suspended or terminated the membership must be given a full and fair

opportunity to show why the application should be rejected or the membership should be suspended or terminated.

- (4) An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting (this includes logged in via remote to meeting).
- (5) If a person does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the membership fee paid by the person.
- (6) A period of not less than 12 months must elapse from the date of the appeal before an application for membership from the person shall be considered.

### **13 Register of members**

- (1) The management committee must keep a register of members of the Club.
- (2) The register must include the following particulars for each member—
  - a. the full name of the member;
  - b. the postal or residential address of the member;
  - c. the date of admission as a member;
  - d. the date of death or time of resignation of the member;
  - e. details about the termination or reinstatement of membership;
  - f. any other particulars the management committee or the members at a general meeting decide.
- (3) The register must be open for inspection by members of the Club at all reasonable times.
- (4) A member must contact the secretary to arrange an inspection of the register.
- (5) However, the management committee may, on the application of a member of the Club, withhold information about the member (other than the member's full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm
- (6) In order to maintain the register, the member is expected to maintain details to the club via Membership renewal form.

### **14 Prohibition on use of information on register of members**

- (1) A member of the Club must not—
  - a. use information obtained from the register of members of the Club to contact, or send material to, another member of the Club for the purpose of advertising for political, religious, charitable or commercial purposes; or
  - b. disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send

material to, another member of the Club for the purpose of advertising for political, religious, charitable or commercial purposes.

- (2) Sub rule (1) does not apply if the use or disclosure of the information is approved by the Club. The club must ensure the Information Privacy Act 2009 (Qld) is followed.

## 15 Appointment or election of secretary

- (1) The secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border, who is—
- a. a member of the Club elected by the Club as secretary; or
  - b. any of the following persons appointed by the management committee as secretary—
    - i. a member of the Club's management committee;
    - ii. another member of the Club;
- (2) If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the Club within 1 month after the vacancy happens.
- (3) If the management committee appoints a person mentioned in sub rule (1)(b)(ii) as secretary, other than to fill a casual vacancy on the management committee, the person does not become a member of the management committee.
- (4) However, if the management committee appoints a person mentioned in sub rule (1)(b)(ii) as secretary to fill a casual vacancy on the management committee, the person becomes a member of the management committee.
- (5) In this rule — **casual vacancy**, on a management committee, means a vacancy that happens when an elected member of the management committee resigns, dies or otherwise stops holding office.

## 16 Removal of secretary

- (1) The management committee of the Club may at any time remove a person appointed by the committee as the secretary.
- (2) If the management committee removes a secretary who is a person mentioned in rule 15(1)(b)(i), the person remains a member of the management committee.
- (3) If the management committee removes a secretary who is a person mentioned in rule 15(1)(b)(ii) and who has been appointed to a casual vacancy on the management committee under rule 15(5), the person remains a member of the management committee.

## 17 Functions of secretary

The secretary's functions include, but are not limited to—

- a. calling meetings of the Club, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the Club; and
- b. keeping minutes of each meeting; and
- c. keeping copies of all correspondence and other documents relating to the Club; and
- d. Oversee the maintenance of the register of members of the Club.

## 18 Membership of Management Committee

- (1) The management committee of the Club consists of a president, treasurer, secretary and any other members the Club members elect at a general meeting.
- (2) A member of the management committee, must be a member of the Club.
- (3) At each annual general meeting of the Club, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.
- (4) A member of the Club may be appointed to a casual vacancy on the management committee under rule 21.
- (5) A person who has had their membership terminated for any reason cannot hold a committee, sub-committee or management position with the Club.

## 19 Electing the Management Committee

- (1) A member of the management committee may only be elected as follows—
  - a. any 2 members of the Club may nominate another member (the ***candidate***) to serve as a member of the management committee;
  - b. the nomination must be—
    - i. in writing; and
    - ii. signed by the candidate and the members who nominated him or her; and
    - iii. given to the secretary at least 14 days before the annual general meeting at which the election is to be held;
  - c. each member of the Club present and eligible to vote at the annual general meeting may vote for 1 candidate for each vacant position on the management committee;
  - d. if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- (2) A person may be a candidate only if the person—
  - a. is an adult; and
  - b. is not ineligible to be elected as a member under section 61A of the Act.
  - c. if previous membership has been terminated such a member cannot be a member of the management committee.

- (3) A list of the candidate's names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the Club for at least 7 days immediately preceding the annual general meeting.
- (4) If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.
- (5) The management committee must ensure that, before a candidate is elected as a member of the management committee, the candidate is advised—
  - a. whether or not the Club has public liability insurance; and
  - b. if the Club has public liability insurance—the amount of the insurance.

## **20 Resignation, removal or vacation of office of Management Committee member**

- (1) A member of the management committee may resign from the committee by giving written notice of resignation to the secretary.
- (2) The resignation takes effect at—
  - a. one month from time the notice is received by the secretary; or
  - b. if a later time is stated in the notice—the later time.
- (3) A member may be removed from office at a general meeting of the Club if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.
- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A member has no right of appeal against the member's removal from office under this rule.
- (6) A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

## **21 Vacancies on Management Committee**

- (1) If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the Club to fill the vacancy until the next annual general meeting.
- (2) The continuing members of the management committee may act despite a casual vacancy on the management committee.
- (3) However, if the number of committee members is less than the number fixed under rule 24(1) as a quorum of the management committee, the continuing members may act only to—
  - a. increase the number of management committee members to the number required for a quorum; or
  - b. call a general meeting of the Club.

## 22 Functions of Management Committee

- (1) Subject to these rules or a resolution of the members of the Club carried at a general meeting, the management committee has the general control and management of the administration of the affairs, property and funds of the Club.
- (2) The management committee has authority to interpret the meaning of these rules and any matter relating to the Club on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

*Note—*

The Act prevails if the Club's rules are inconsistent with the Act—see section 1B of the Act.

- (3) The management committee may exercise the powers of the Club—
  - a. to borrow, raise or secure the payment of amounts in a way the members of the Club decide; and
  - b. to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Club in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the Clubs property, both present and future; and
  - c. to purchase, redeem or pay off any securities issued; and
  - d. to borrow amounts from members and pay interest on the amounts borrowed; and
  - e. to mortgage or charge the whole or part of its property; and
  - f. to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Club; and
  - g. to provide and pay off any securities issued; and
  - h. to invest in a way the members of the Club may from time to time decide.
- (4) For sub rule (3)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by—
  - a. the financial institution for the Club; or
  - b. if there is more than 1 financial institution for the Club—the financial institution nominated by the management committee.

## 23 Meetings of Management Committee

- (1) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.
- (2) The management committee must meet at least once every 4 months to exercise its functions.

- (3) The management committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the management committee.
- (5) The management committee may hold meetings or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (6) A committee member who participates in the meeting as mentioned in sub rule (5) is taken to be present at the meeting.
- (7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- (8) A member of the management committee must not vote on a question about a contract or proposed contract with the Club if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.
- (9) The president is to preside as chairperson at a management committee meeting.
- (10) If there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.
- (11) A member of the management committee who has a personal interest in the matter that is being considered (such as the matter is about that member) must not -
  - a. be present while the matter is being discussed at the meeting; or
  - b. vote on the matter.

## **24 Quorum for, and adjournment of, Management Committee meeting**

- (1) At a management committee meeting, more than 50% of the members elected to the committee as at the close of the last general meeting of the members form a quorum.
- (2) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.
- (3) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee—
  - a. the meeting is to be adjourned for at least 1 day; and
  - b. the members of the management committee who are present are to decide the day, time and place of the adjourned meeting.

- (4) If, at an adjourned meeting mentioned in sub rule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

## **25 Special meeting of Management Committee**

- (1) If the secretary receives a written request signed by at least 33% of the members of the management committee, the secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.
- (2) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.
- (3) A request for a special meeting must state—
  - a. why the special meeting is called; and
  - b. the business to be conducted at the meeting.
- (4) A notice of a special meeting must state—
  - a. the day, time and place of the meeting; and
  - b. the business to be conducted at the meeting.
- (5) A special meeting of the management committee must be held within 14 days after notice of the meeting is given to the members of the management committee.

## **26 Minutes of Management Committee meetings**

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes, the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy.

## **27 Appointment of subcommittees**

- (1) The management committee may appoint a subcommittee consisting of members of the Club considered appropriate by the committee to help with the conduct of the Clubs operations.
- (2) A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.
- (3) A subcommittee may elect a chairperson of its meetings.
- (4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- (5) A subcommittee may meet and adjourn as it considers appropriate.
- (6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

## **28 Acts not affected by defects or disqualifications**

- (1) An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.
- (2) Subrule (1) applies even if the act was performed when—
  - a. there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
  - b. a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

## **29 Resolutions of Management Committee without meeting**

- (1) A written resolution signed by each member of the management committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in subrule (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

## **30 Annual General Meetings**

Each subsequent annual general meeting must be held—

- a. at least once each year; and
- b. within 6 months after the end date of the Club's reportable financial year.

## **31 Business to be conducted at the Annual General Meeting**

- (1) The following business must be conducted at each annual general meeting of the Club—
  - a. receiving the Club's financial statement, and audit report, for the last reportable financial year;
  - b. presenting the financial statement and audit report to the meeting for adoption;
  - c. electing members of the management committee;
  - d. appointing an auditor or an accountant for the present financial year.

## **32 Notice of general meeting**

- (1) The secretary may call a general meeting of the Club.
- (2) The secretary must give at least 14 days' notice of the meeting to each member of the Club.
- (3) If the secretary is unable or unwilling to call the meeting, the president must call the meeting.

- (4) The management committee may decide the way in which the notice must be given.
- (5) However, notice of the following meetings must be given using the normal methods as determined by the club.
  - (a) a meeting called to hear and decide the appeal of a person against the management committee's decision—
    - i. to terminate the person's membership of the Club;
    - ii. a meeting called to hear and decide a proposed special resolution of the Club.
- (6) A notice of a general meeting must state the business to be conducted at the meeting.

### **33 Quorum for, and adjournment of, general meeting**

- (1) The quorum for a general meeting is at least the number of members elected or appointed to the management committee at the close of the Club's last general meeting plus 1.
- (2) However, if all members of the Club are members of the management committee, the quorum is the total number of members less 1.
- (3) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.
- (4) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the Club, the meeting lapses.
- (5) If there is no quorum within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the Club—
  - a. the meeting is to be adjourned for at least 7 days; and
  - b. the management committee is to decide the day, time and place of the adjourned meeting.
- (6) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (7) If a meeting is adjourned under sub rule (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (8) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

### **34 Procedure at general meeting**

- (1) A member may take part and vote in a general meeting in person, by proxy, by representative or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (2) A member who participates in a meeting as mentioned in sub rule (1) is taken to be present at the meeting.
- (3) At each general meeting—
  - a. the president is to preside as chairperson; and
  - b. if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the members present must elect 1 of their number to be chairperson of the meeting; and
  - c. the chairperson must conduct the meeting in a proper and orderly way.

### **35 Voting at general meeting**

- (1) At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the members present.
- (2) Each member present and eligible to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.
- (3) A member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting.
- (4) The method of voting is to be decided by the management committee. However, if the vote is related to a member who is present then the vote will be by secret ballot.
- (5) However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.
- (6) If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides.
- (7) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

### **36 Special general meeting**

- (1) The secretary must call a special general meeting by giving each member of the Club notice of the meeting within 14 days after—
  - a. being directed to call the meeting by the management committee; or
  - b. being given a written request signed by—
    - i. at least 33% of the number of members of the management committee when the request is signed; or

- ii. at least the number of ordinary members of the Club equal to double the number of members of the Club on the management committee when the request is signed plus 1; or
  - c. being given a written notice of an intention to appeal against the decision of the management committee to terminate a person's membership.
- (2) A request mentioned in subrule (1)(b) must state—
- a. why the special general meeting is being called; and
  - b. the business to be conducted at the meeting.
- (3) A special general meeting must be held within 3 months after the secretary—
- a. is directed to call the meeting by the management committee; or
  - b. is given the written request mentioned in sub rule (1)(b); or
  - c. is given the written notice of an intention to appeal mentioned in sub rule (1)(c).
- (4) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.

### 37 Proxies

- (1) An instrument appointing a proxy must be in writing and be in the following or similar form—

**SUNSHINE COAST AMATEUR RADIO CLUB Inc**

I, .....,  
of ....., being  
a member of the Club, appoint  
.....  
of .....  
as my proxy to vote for me on my behalf at the (annual) general meeting of the Club, to be held  
on the.....day  
of..... 20  
and at any adjournment of the meeting.

I instruct my proxy to vote in the following manner

Resolution Description	In Favour	Against

(To instruct the proxy how to vote please mark the appropriate box, if no box is marked it allows the proxy to vote at their discretion)

Signed this .....day  
of..... 20 .

Signature.....

- (2) The instrument appointing a proxy must—
  - a. if the appointor is an individual—be signed by the appointor or the appointor's representative properly authorised in writing; or
  - b. if the appointor is a corporation—
    - i. be under seal; or
    - ii. be signed by a properly authorised officer or representative of the corporation.
- (3) A proxy may be a member of the Club or another person.
- (4) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.
- (5) Each instrument appointing a proxy must be given to the secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.
- (6) Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.
- (7) If a member wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the form of 37(1)

### **38 Minutes of general meetings**

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each general meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes—
  - a. the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
  - b. the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of

the Club that is a general meeting or annual general meeting, verifying their accuracy.

- (3) If asked by a member of the Club, the secretary must, within 28 days after the request is made—
  - a. make the minute book for a particular general meeting available for inspection by the member at a mutually agreed time and place; and
  - b. give the member copies of the minutes of the meeting.
- (4) The Club may require the member to pay the reasonable costs of providing copies of the minutes.

### **39 By-laws**

- (1) The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the Club.
- (2) A by-law may be set aside by a vote of members at a general meeting of the Club.

### **40 Alteration of rules**

- (1) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- (2) However, an amendment, repeal or addition is valid only if it is registered by the chief executive of the Office of Fair Trading.

### **41 Common seal**

- (1) The management committee must ensure the Club has a common seal.
- (2) The common seal must be—
  - a. kept securely by the management committee; and
  - b. used only under the authority of the management committee.
- (3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by—
  - a. the secretary; or
  - b. another member of the management committee; or
  - c. someone authorised by the management committee.

### **42 Funds and accounts**

- (1) The funds of the Club must be kept in an account in the name of the Club in a financial institution decided by the management committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Club.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (4) A payment by the Club of \$100 or more must be made by cheque or electronic funds transfer.

- (5) If a payment of \$100 or more is made by cheque, the cheque must be signed by any 2 of the following—
  - a. the president;
  - b. the secretary;
  - c. the treasurer;
  - d. any 1 of 3 other members of the Club who have been authorised by the management committee to sign cheques issued by the Club.
- (6) However, 1 of the persons who signs the cheque must be the president, the secretary or the treasurer.
- (7) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
- (8) A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- (9) All expenditure must be approved or ratified at a management committee meeting.

#### **43 General financial matters**

- (1) On behalf of the management committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.
- (2) The income and property of the Club must be used solely in promoting the Club's objects and exercising the Club's powers.

#### **44 Documents**

The management committee must ensure the safe custody of books, documents, instruments of title and securities of the Club.

#### **45 Financial year**

The end date of the Club's financial year is Thirty First day of December in each year.

#### **46 Distribution of surplus assets to another entity**

- (1) This rule applies if the Club—
  - a. is wound-up under part 10 of the Act; and
  - b. has surplus assets.
- (2) The surplus assets must not be distributed among the members of the Club.
- (3) The surplus assets must be given to another entity—
  - a. having objects similar to the Club's objects; and
  - b. the rules of which prohibit the distribution of the entity's income and assets to its members.
- (4) In this rule— **surplus assets** see section 92(3) of the Act.

## By-Laws Of The Constitution Of The Sunshine Coast Amateur Radio Club Inc

**By-Law No 1.** 'That any aspiring amateur who is studying under the guidance of a financial club member be granted all the privileges of social club membership for the duration of their course', not exceeding a period of twelve months. Passed by the Management Committee 23 February 1993

**By-Law No 4.** 'That there be a limit to the number of members of the Management Committee, other than club Officers, to a number not greater than four'. Passed by the Management Committee 7 January 2001

**By-Law No 6.** 'That weekly nets" refer to nets conducted under the official callsign of SCARC inc.'. Passed by the Management Committee 7 January 2001, amended by the Management Committee 15 February 2005

**By-Law No 7.** Removed by general meeting 07/06/2022

**By-Law No 8.** 'That a member of the Management Committee who fails to attend three consecutive meetings of the Committee, without being granted leave of absence by the Committee, shall be relieved of his/her position'. Passed by the Management Committee 7 January 2001

**By-Law No 9.** 'That the membership year of the club be from 1st January to 31st December of the same year'. Passed by the Management Committee 27 February 2001

**By-Law No 10.** 'That any member whose subscription is in arrears after the last day of February shall be unfinancial'. Passed by the Management Committee 27 February 2001

**By laws 2-3-5** Removed by general meeting 03/09/2013

**By-Law No 11.** 'That the Annual General Meeting shall be held each year in March'. Passed by the Management Committee 27 February 2001

**By-Law No.12.** 'That the Sunshine Coast Amateur Radio Club inc. uses a Code of Conduct to provide a guideline for acceptable member behaviour. As detailed in this Code of Conduct, failure to abide by the requirements may result in disciplinary action. Passed by the Management Committee 14 February 2011

### *Requirements*

1. A club meeting, or part thereof, is held under the **Chatham House Rule**, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

2. It is an automatic condition of Club membership that members abide by this Code of Conduct.

Members of the Club managed email groups or forums that are not club members shall also abide by this Code of Conduct where applicable.

3. Written correspondence on Club managed email groups or forums shall not be discriminatory, racist or contain any form of profanity or threat. Additionally

controversial issues shall not be debated on these email groups or forums. Correspondence shall not breach any State or Federal Government Act or regulations in this regard.

4. Every club member has the right to be treated with courtesy, fairness, tolerance and respect and should be treated equitably regardless of individual differences, race, gender, disability or level of ability.

5. Make sure everyone feels safe. Bullying, violence, intimidation, discrimination, harassment or threatening of any kind isn't allowed and will not be tolerated. A member must conduct himself or herself in a way considered not to be injurious or prejudicial to the character or interests of the Club.

6. Bullying is illegal under National and State Laws. Bullying is defined as physical, verbal, social, psychological, written abuse or offensive behaviour and includes behaviours such as yelling, screaming or offensive language such is likely to offend, insult, humiliate, threaten or intimidate the victim causing them to implement a grievance procedure, leave or resign from the club. The perpetrator of such behaviour will be subject to immediate termination of membership by the management committee if a member resigns or leaves the club due to being a victim of bullying behaviour.

7. Under national or state laws discrimination and harassment are unlawful. Our club does not tolerate any form of discrimination or harassment. We believe that all members and visitors have a right to an environment free from discrimination or harassment. Disciplinary action will be taken against anyone who discriminates against or harasses another person. Disciplinary Action may involve a warning, suspension or termination of membership depending on the circumstances. A person who experiences these behaviours can also put in a complaint as per By-law 13.

8. We're all in this together to create a welcoming environment. Let's treat everyone with courtesy, fairness, tolerance and respect. Healthy debates are natural, but kindness is required.

9. Being part of this group requires mutual trust. Authentic, expressive discussions make groups great, but may also be sensitive and private. What's shared in the club should stay in the club.

10. No person shall speak on behalf of the Club, unless authorised to do so by the Club Committee.

11. If a member feels aggrieved by another member or non-member, then such grievance shall be brought to the attention of the Management Committee in writing. Such a complaint may be lodged with any Committee member. The matter will be dealt with according to By-Law 13 Grievances, Disputes, Disciplinary Action and Mediation.

12. If a member feels affronted on air or via the Club managed email groups or forums, they will not respond in kind. Retaliating may prejudice further action.

13. All members using Club premises or equipment are expected to care for and respect the facilities and equipment provided which includes leaving the facilities in a clean, tidy and undamaged condition.

14. Any member who does not abide by this Code of Conduct must show just cause why their membership should not be suspended or cancelled.

Members or visitors who cannot abide by the above code of conduct, cannot co-exist amicably with others present and may be asked to leave the premises by a committee member or senior member in attendance. They may also receive disciplinary action.

**Note: Explanation of Chatham House Rule**

The Chatham House Rule is a worldwide rule for acceptable behaviour at meetings.

We are a democratic club and will implement the Chatham House Rule. Democracy is important as it helps to maintain a just and free society which guarantees individual freedoms (such as speech) and rights. It strips away behaviours that lead to intimidation and coercion (such as force or threats). It is intended to ensure no ethnic, graphic, class or club interest dominates or exploits others to an unreasonable degree.

**By-Law no.13** Grievances, Disputes, Disciplinary Action and Mediation

The club is allowed to take disciplinary action under the law. Disciplinary Action is taken when a member has breached the Clubs constitution or code of conduct and can include a sanction, fine, suspension or termination of membership. It is important to note that ‘disciplinary procedures’ are different from dispute resolution (grievance) procedures under the Club’s constitution. Disciplinary procedures involve steps to remove, suspend or fine a member of the club in specified circumstances.

(1) The rules of the Club include a procedure for dealing with grievances and disputes between:

- a. a member and another member; or
- b. a member and several members; or
- c. a member and the management committee; or
- d. a member and the club; or
- e. members of the management committee.

**1.Suspension or Termination of Membership**

(1) The committee may decide to suspend a member’s membership or to terminate a member’s membership from the Club if :

- a. the member contravenes any of the Club’s constitution; or
- b. the member contravenes the Club’s Code of Conduct

- c. the member acts detrimentally to the interests of the Club.
  - d. If a member's membership is terminated there is no right of further action.
- (2) Once the committee has decided to suspend or terminate a member the member is immediately suspended or terminated  
A management committee member must give the member written notice of the proposed suspension or termination of membership at least 14 days before the committee meeting at which the proposal is to be considered by the committee.
- (3) The notice given to the member must state:
- a. when and where the committee meeting is to be held; and
  - b. the grounds on which the proposed suspension or termination of membership is based; and
  - c. that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or termination of membership;
- (4) At the committee meeting, the committee must:
- a. give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or termination of membership; and
  - b. give due consideration to any submissions so made; and decide:
    - i. whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
    - ii. whether or not to expel the member from the Association.
- (5) A decision of the committee to suspend the member's membership or to terminate membership from the Club will be decided after proper consideration has been taken. The committee members are to advise the member in a letter within 7 days of the decision being made. The suspension or termination will take effect from the date of the letter advising the member of the decision.
- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or whose membership is terminated from the Club may, within 14 days after receiving notice of the Committee's decision under subrule (6), give written notice to the secretary requesting the appointment of a mediator.
- (8) If notice is given under subrule (7), the mediator, the member who gives the notice and the committee are the parties to the mediation.

## **2. Consequences of Suspension**

- (1) During the period a member's membership is suspended, the member:
  - a. loses any rights (including voting rights) arising as a result of membership; and
  - b. is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Club.
- (2) When a member's membership is suspended, the secretary must record in the register of members:
  - a. that the member's membership is suspended; and
  - b. the date on which the suspension takes effect; and
  - c. the period of the suspension.
- (3) When the period of the suspension ends, the secretary must advise the member in a letter stating that their suspension has ended. The secretary must also record in the register of members that the member's membership is no longer suspended.

## **3. Resolving disputes**

Grievance and dispute procedure means the procedures set out under resolving disputes.

- (1) Party to a dispute includes a person:
  - a. who is a party to the dispute; and
  - b. who ceases to be a member within 6 months before the dispute has come to the attention of the other party or the management committee.
- (2) The procedure set out in this the grievance procedure applies to disputes between:
  - a. members; or
  - b. one or more members and the Club; or
  - c. a member or members and the management committee; or
  - d. members of the management committee.
- (3) The parties to a dispute have 14 days to work it out, after the dispute has come to the attention of each party or the management committee. If the parties attempt to resolve the dispute results in:
  - a. The dispute being resolved no further action is required; or
  - b. if the dispute has not been resolved then the grievance procedure starts.

## **4. How grievance procedure is started**

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required, any party to the dispute may start the grievance procedure by giving written notice to the secretary of:

- a. the parties to the dispute; and
  - b. the matters that are the subject of the dispute.
- (2) Within 28 days after a committee member is given the notice of a dispute, a committee meeting must be convened to consider and determine the dispute if the dispute is not resolved by the members within the allowed 14 days.
- (3) A committee member must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 14 days before the meeting is held.
- (4) The notice given to each party to the dispute must state:
- a. when and where the committee meeting is to be held; and
  - b. that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute. If a representative is going to be in attendance they should be notified 7 days before the meeting will take place.
- (5) If:
- a. the dispute is between one or more members and the Club; and
  - b. any party to the dispute gives written notice to a committee member stating that the party —
    - i. does not agree to the dispute being determined by the committee; and
    - ii. requests the appointment of a mediator
- the committee must not determine the dispute until all mediation processes have been exhausted.

## **5. Decision of the dispute committee**

- (1) At the committee meeting at which a dispute is to be considered and decided, the committee must:
- a. give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
  - b. if a party to the dispute is a committee member, then that committee member must not be included in discussions of the committee or the vote; and
  - c. if the issue is related to bullying behaviour then each party will be heard separately without the other member present to prevent confrontation; and any decision is to be made without either of party present; and
  - d. give due consideration to any submissions so made; and
  - e. make a decision on the dispute.

- (2) The committee must give each party to the dispute written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (3) A party to the dispute may, within 14 days after receiving notice of the committee's decision, give written notice to a committee member requesting the appointment of a mediator.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

## 6. Mediation

- (1) Mediation applies if written notice has been given to a committee member requesting the appointment of a mediator:
  - a. by a member; or
  - b. by a party to a dispute under rule.
- (2) If Mediation applies, a mediator must be chosen or appointed.

## 7. Appointment of Mediator

- (1) The mediator must be a person chosen:
  - a. if the appointment of a mediator was requested by a member — by agreement between the Member and the committee; or
  - b. if the appointment of a mediator was requested by a party to a dispute — by agreement between the parties to the dispute; or
  - c. if the dispute is between a member and the club (including between members of the management committee) then the mediator could be appointed by a third party such as Queensland Law Society or the Office of Fair Trading.

**Note:** A free mediation service can be used to ensure the mediator is not biased. This is available at the South Queensland Resolution Centre.

- (2) If there is no agreement then, the committee must appoint the mediator.
- (3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre if the appointment of a mediator was requested by:
  - a. a member; or
  - b. a party to a dispute; or
  - c. a party to a dispute and the dispute is between one or more members and the Club.
- (4) The person appointed as mediator by the committee may be a member or former member of the Club but must not:
  - a. have a personal interest in the matter that is the subject of the mediation; or
  - b. be biased in favour of or against any party to the mediation; or

- c. does not have a history of any relationship or be known to any of the members in the dispute.

## **8. Mediation process**

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must:
  - a. give each party to the mediation every opportunity to be heard; and
  - b. allow each party to the mediation to give due consideration to any written statement given by another party; and
  - c. ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation. However, the mediator will submit a written report stating *ONLY* if the matter has been resolved. (*What happens in mediation stays in mediation*).
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) The costs of the mediation are to be paid by the party or parties that requested the appointment of the mediator.

### ***Note for Mediation process***

Under the *Associations Incorporation Act 1981 Section 71 (2)* Where a member of an incorporated association is deprived by a decision of the Club of a right conferred on the member by the rules of the Club as a member thereof, the Supreme Court shall have jurisdiction to adjudicate upon the validity of that decision under the rules.

## **9. If mediation results in a decision to suspend or terminate membership being cancelled**

If :

- a. mediation takes place because a member whose membership is suspended or whose membership is terminated from the Club; and
- b. as the result of the mediation, the decision to suspend the member's membership or terminate a member's membership is cancelled.

Then that cancellation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or termination of membership.

#### **10. If mediation results in the matter being unresolved**

Then the members of the management committee can call a special general meeting of all members of the club to sort out what can be done. The procedures in Rule 39 Special general meeting of the Clubs constitution will be followed.

#### **SCARC Awards**

##### **Ken Wilford Trophy**

Reference. Minutes Executive Meeting of 30 March 1993, as amended by the General meeting of 4 January 1994.

Criteria. Awarded annually to the club member with the highest aggregate CW score over the preceding calendar year.

Administration. Executive Committee.

Award. Memorial Shield.

Presented. April GM.

##### **Homebrew Award**

Criteria. Awarded to the adjudged best entry.

Administration. Executive Committee.

Award. Memorial Shield.

Presented. November GM.

##### **SCARC Outstanding Contribution Award**

Reference. Executive minutes 16th February 2021.

Criteria. This peer nominated award recognises an individual who has been influential and has significantly contributed to SCARC in the year prior to the March AGM

All members are eligible, any member can nominate another member, members can receive the award multiple times, and multiple members can receive the award each year. The award is a certificate and a free year's membership Presented annually to the member of the club, who has in the opinion of the members, contributed most the previous year in any form, manner or fashion, to the Sunshine Coast Amateur Radio Club Inc.

Administration. Executive Committee.

Award. Certificate and 1 year of free membership.

Presented. March AGM immediately preceding the AGM.