

CONSTITUTION, RULES AND BY-LAWS

OF

TASMANIAN AMATEUR REPEATER ASSOCIATION

TASAR INC.

This Constitution was adopted by Tasar Inc. Executive meeting
on the 29.7.1992, to be effective on advice of incorporation.

INCORPORATED 26.08.92

APPROVED P. Dowd

Public Officer

For and on behalf of the Executive.

**THE CONSTITUTION OF
THE TASMANIAN AMATEUR REPEATER ASSOCIATION
INC.**

1. NAME

The name of the Association is the Tasmanian Amateur Repeater Association Inc. and hereinafter in this constitution is referred to as Tasar Inc. It is a non profit making organisation.

2. OFFICE

The office of the Association shall be at 12 Susan Parade, Hobart in Tasmania, or such other place as the Executive may from time to time determine.

3. INTERPRETATION

Unless the contrary intention appears in this Constitution, the following words or phrases have or include, as the case may be, the corresponding meanings shown - "The Act" means the Association Incorporations Act, 1964, and any Regulations made thereunder the Statutes of Tasmania. "Annual General Meeting" means a meeting open to all financial members of Tasar Inc., at which the election of the Executive takes place. "Assets" includes any real and personal property and any money, negotiable instrument, estate, right or interest which are the property of Tasar Inc, or to which Tasar Inc. is entitled, or is to be entitled. "Commonwealth" means the Commonwealth of Australia and includes every State, Territory and Dependency thereof. "Model Rules" shall mean the Model Rules for an Association as in the Schedule of the Regulations 2 of the Association Incorporation " Model Rules " Regulation 1965 under the Statutes of Tasmania. "Paragraph" means a paragraph of this Constitution. "Public Officer" means a person appointed to that office in accordance with the Association Incorporations Act, 1964.

4. APPLICATION OF "THE ACT" AND REGULATIONS.

The provisions of the Acts and Interpretation Act 1931 as amended shall, insofar as they are capable of application to this Constitution, apply at any time to their interpretation as if it were an Act. The provisions of the Act and Regulations shall, as far as they are capable of application, apply to Tasar Inc. and in the event of any inconsistency between the Act and this Constitution or the Regulations and this Constitution, the relative provision of the Act or the Regulations shall prevail.

5. OBJECTS

The objects of Tasar Inc are :

- (a) To encourage and promote efficiency and fellowship in Amateur Radio and to further a good relationship between Amateur Radio and the public.
- (b) To serve and provide assistance to Amateurs through the use of radio techniques.
- (c) To develop and encourage new concepts in Amateur Radio
- (d) To provide assistance to recognised emergency services and Government bodies in the event of both national and local emergencies or disasters.
- (e) To affiliate with other such emergency services with a similar role.
- (f) To do such other lawful acts and things as may appear to be incidental or conducive to the above objects or any of them.
- (g) To provide assistance and information to visiting Licensed Amateurs.

6. MANAGEMENT STRUCTURE

- (a) The Executive shall consist of 6 members.
- (b) The Executive shall have power to appoint from within its membership the following officers -

President

Vice President

Secretary

Treasurer

Technical Officers

and other such officer bearers as the Executive shall from time to time determine.

- (c) Tasar Inc. members are those persons admitted to membership of Tasar Inc. in accordance with the provisions of this Constitution and any by-laws thereto and are referred to hereinafter as members.

- (d) Associate members of Tasar Inc. may be appointed but shall carry no voting rights.

- (e) The Executive may make such rules, regulations and by-laws not inconsistent with this Constitution (and rules, regulations, by-laws and manuals made thereunder) to govern the conduct, structure and procedures of Tasar Inc.

7. MANAGEMENT OF TASAR INC.

The management of Tasar Inc. is vested in the Executive.

8. OFFICER BEARERS "EXECUTIVE"

- (a) The members of the Executive are elected at each Annual General Meeting and hold office until the conclusion of the election at the following Annual General Meeting, provided that in the case of the Immediate Past President (IPP) the retiring President should he not be re-elected to the Executive, at each Annual General Meeting shall be automatically appointed to the position of IPP and shall hold that position until a further IPP is likewise appointed.
- (b) Members of the retiring Executive are eligible for re-election.
- (c) The Chairman of the Executive is the President and in his absence, Vice President and in his absence a member of the Executive present at the meeting concerned may elect a chairman from amongst themselves.
- (d) Any office of the Executive becomes vacant if the office bearer:
 - A. Resigns in writing to the Public Officer.
 - B. Ceases to be a member or a licensed amateur.
 - C. Is removed from that office by a two-thirds majority vote of the Executive, voting in person or by proxy.
- (e) Any office becoming vacant during the term of office of the Executive shall be filled by the Executive at its next meeting by appointing a qualified person to hold office for the remainder of the original office-holder term of office.

9. MANAGEMENT BY EXECUTIVE

- (a) The Executive is responsible for the maintenance of all records and safeguards and maintains all Tasar Inc. assets and property.
- (b) The Executive is empowered to use Tasar Inc. funds for the continuation of Tasar Inc. activities in accordance with the Constitution.
- (c) The Executive has the power to make and publish rules, regulations, by-laws and manuals, not inconsistent with the Constitution, for the better management and control of Tasar Inc. and may invite other persons to attend Executive Meetings in an advisory capacity.
- (d) The Executive meets at such time and place as shall be determined by it. A quorum of the Executive shall be four members in person, one of whom must be the President or Vice President.
- (e) Each member of the Executive shall have one vote and its decisions are determined by the majority of votes cast, provided that in the case of equality of voting, the chairman has a casting vote.

10. INCOME and PROPERTY OF THE ASSOCIATION

- (a) The income & property of the Association however derived shall be applied solely towards the promotion of the objects & purposes of the Association and no portion thereof shall be paid or transferred directly or indirectly by dividend bonus or otherwise to any member of the Association.
- (b) The Association shall not:
- (i) Appoint a person who is a member of the Executive to any office in the Association to the holder of which there is payable any remuneration by way of salary fees or allowances; or
 - (ii) Pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of out of pocket expenses).
- (c) Nothing in the foregoing provisions of this rule prevents this payment in good faith to a servant or member of the Association.
- (i) Remuneration in return for services actually rendered to the Association by the servant or members or for goods supplied to the Association by the servant or members in the ordinary course of business;
- (ii) Interest at a rate not exceeding the current ruling bank rate on moneys lent to the Association by the servant or member; or
- (iii) A reasonable and proper sum by way of rent for premises let to the Association by the servant or member.

THE COMMON SEAL OF TASAR INC.



11. MEETINGS

- (a) The Executive must meet at least twice each financial year at such place as the Executive determines, one meeting of which is the Annual General Meeting. All meetings shall be conducted in accordance with The Conduct of Meetings, Model Rules, Regulations 1965 and pursuant to the statutes of Tasmania.
- (b) A quorum of the Executive meeting is a simple majority of its members present in person or proxy.
- (c) Fourteen days clear notice in writing must be given for any meeting of the Executive except in the case of an emergency extraordinary Executive Meeting when forty eight (48) hours notice given verbally shall be deemed sufficient. Such notice must state the date, venue and agenda of the meeting.
- (d) The Annual General Meeting of the Executive is held within three calendar months of the end of the financial year.
- (e) Members of the Executive may be represented by proxy.
- (f) The holder of a proxy must be an Office holder and all proxies must be tabled before the commencement of the meeting concerned.
- (g) Unless otherwise provided by this Constitution, all decisions of the Executive are made by a simple majority of votes cast by its members present in person or proxy.
- (h) In the event of the equality of votes, the chairman has the casting vote.
- (i) The qualifications required to become a member, the procedure for joining, membership fees payable and the conditions of ceasing to be a member are determined by the Executive from time to time and shall be published as the membership by-laws.
- (j) All rights of membership of Tasar Inc. as a member terminate on a member ceasing to be a member in accordance with the provisions of the membership by-laws.

12. MEMBERSHIP FEES

- (a) Renewal of membership fees become due and payable on the first day of the financial year of Tasar Inc.
- (b) In the case of a new member enrolling on or after April 1st in any year his membership shall be deemed current until the 30th day of June in the following year.
- (c) Membership fees are non-refundable except at the discretion of the Executive.
- (d) Membership fees payable shall be determined by the Executive and published in the Membership By-Laws.

13. FINANCE

- (a) The funds of Tasar Inc. are banked in the name of Tasar Inc. and the bank account is operated upon by any two of the Executive, one of which must be the Treasurer.
- (b) All receipts issued for moneys received by Tasar Inc. shall be issued on the official Tasar Inc. receipt as provided.
- (c) All accounts payable by the Association must be presented to the Executive for consideration prior to payment.
- (d) An independent, qualified auditor shall be appointed by the Executive and is responsible for auditing the books of account of Tasar Inc. once a year. The report of the auditor is presented at each Annual General Meeting.
- (e) The membership fees which may from time to time be determined by the Executive of Tasar Inc. are payable to the Treasurer at a time which may from time to time be determined by the Executive.

14. FINANCIAL YEAR

In this Constitution, the financial year means the financial year of Tasar Inc. ending on the 30th June of each year.

15. AMENDMENT TO THIS CONSTITUTION

This Constitution may be amended at a duly convened Executive Meeting at which thirty days clear notice of the amendment has been given and which two-thirds of the members present and voting, either personally or by proxy, are in favour of the amendment.

16. TAX DEDUCTIBILITY

In the event of Tasar Inc. being classified as an organization for which donations are tax deductible by the Australian Government the Executive is empowered to make such Regulations or By-Laws as are required by the Federal Government to ensure such classification.

17. PUBLIC OFFICER

The Executive shall appoint a Public Officer in accordance with the requirements of the incorporation under the Association Incorporations Act, 1964.

18. WINDING UP OF TASAR INC.

A resolution to wind up Tasar Inc. shall satisfy the same requirements as a motion to amend this Constitution. On the winding up of Tasar Inc. its assets shall be distributed in such a manner as a majority of those present at the meeting at which the resolution to wind up Tasar Inc. is duly passed, shall determine, and in either case provided that such determination satisfies the requirements of section 78 (1) (a) of the Income Tax Assessment Act, or insofar as that may not be possible, for some charitable purpose.

19. SAVINGS PROVISION

All acts, proceedings and resolutions of any meeting of the Executive are, notwithstanding that it is afterwards discovered that there is some defect in the appointment or election of one or more of the constituent members thereof or there was an accidental failure to give proper notice or to follow proper procedure at such meeting, be valid and binding as if the defect or failure did not exist.

20. INDEMNITY

- (a) The liability of all office-bearers and members is limited to the amount of membership fees unpaid for that financial year.
- (b) Without limiting the generality of the preceding subparagraph, no member of the Executive or any other officer or employee, whether voluntary or not, is liable for any act, neglect, omission, or default of himself or any other person or for, any other person or for any loss, damage or misfortune caused thereby unless such act, neglect, omission or default arose by virtue of that persons dishonesty wilful default or gross negligence.
- (c) Each of the Executive or other officer or employee is indemnified out of the assets of Tasar Inc. against any liability incurred by him contrary to the provisions of this paragraph and also against the costs incurred by him in defending any proceedings.

21. PATRON

A Patron may be appointed from time to time by the Association.

22. LIFE MEMBERSHIP

Life membership may be conferred by the Executive.

23. GENDER

Any words of any gender shall include any other gender.

24. COMMON SEAL

- (i) The Common Seal of the TASMANIAN AMATEUR REPEATER ASSOCIATION INC. shall be in the form of a rubber stamp, inscribed with the name of the Association encircling the word " Seal " as shown.
- (ii) The seal shall not be affixed to any instrument except by authority of the Executive, and the affixing thereof shall be attested by the signatures either of two members of the Executive, or of one member of the Executive and of the Public Officer of Tasar Inc., or such other persons as the Executive may appoint for the purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the Executive.
- (iii) The seal shall remain in the custody of the Public Officer.

MEMBERSHIP BY-LAWS

Pursuant to the provisions of paragraph (9) (11) and (12) of the Tasar Inc. Constitution, the Executive hereby determines that these By-Laws operate from 29.7.1992.

1. APPOINTMENT AS TASAR INC. MEMBERS

- (a) All applicants must be licensed Amateurs to become a member of Tasar Inc. Applications are to be on the prescribed form duly completed and forwarded to the Secretary.
- (b) All applications are to be interviewed by the Executive to determine the applicant's suitability to become a Tasar Inc. member.
- (c) Selection of applicants is decided by a majority vote of the appropriate Executive members present and voting. Rejection of the application is to be notified to the applicant as soon as possible. While reasons for rejection need not to be given, the Executive is encouraged to advise such reasons for rejection as might enable the applicants to improve or correct capabilities for future applications.
- (d) On being accepted, the applicant will then pay the prescribed membership fee.

2. CESSATION AS A TASAR INC. MEMBER

A Tasar Inc. member ceases to be such if:

- (i) He resigns in writing to the Executive Secretary.
- (ii) He fails to pay any membership fees within one calendar month from the date they fall due.
- (iii) He is expelled in accordance with the provisions of the By-Laws, or
- (iv) He dies.

3. EXPULSION OF TASAR INC. MEMBERS

- (a) If in the opinion of the Executive, a Tasar Inc. member has been guilty of any conduct prejudicial to the interests of Tasar Inc. then that person may be summarily suspended as a Tasar Inc. member.
- (b) The Executive on suspending a Tasar Inc. member, informs that person of the reason for the suspension and notifies him of the date and place of the meeting of the Executive that will determine if that member is to be expelled from Tasar Inc.
- (c) The Executive determines by a majority vote of members entitled to vote and voting whether the suspended Tasar Inc. member is to be expelled from the Association.
- (d) In the event of the Executive determining that the suspended Tasar Inc. member is not expelled, the suspension is revoked.

4. PROFESSIONAL APPOINTMENTS

The Executive shall be empowered, on such conditions as it sees fit, to appoint as a Tasar Inc. member any person if they consider the action to be desirable for the furtherance of the objects of the Association.

5. DUTIES OF OFFICE BEARERS BY-LAWS.

Pursuant to paragraph 9(c) of the Tasar Inc. Constitution, the Executive hereby determines that this By-Law operates from 29.7.1992.

- (i) The duties of the Office-bearers in Tasar Inc. are as given in the By-Laws.

(ii) President

The President is the chief officer of Tasar Inc. and shall represent Tasar Inc. at any function or gathering. He is primarily responsible for all the administrative functions of Tasar Inc. and together with the Vice President and such other person mutually agreed by them, carries out all negotiations and discussions with other authorities and organizations.

(iii) Vice President

The Vice President is responsible for all Operational and Training functions of Tasar Inc. and deputizes for the President in his absence and performs such duties on his behalf as shall be mutually agreed upon by them.

(iv) Secretary

The Secretary is responsible for the secretarial functions of Tasar Inc. and attends to all its correspondence keeps the records and files thereof, keeps proper and accurate minutes of meetings of the Executive and undertakes the preparation for meetings. He shall issue all membership cards and maintain a record of all financial members.

(v) Treasurer

The Treasurer is responsible for the financial functions of Tasar Inc. and keeps proper banking accounts and books of account recording all the financial transactions thereof, prepares such financial reports as are required and prepares the annual income and expenditure report, annual balance sheet and annual bank reconciliation for the Auditor as required. He shall inform in writing the Secretary of all membership fees received and of all members financial.

(vi) Technical Officers

Technical Officers advise the Executive on technical matters relevant to Tasar Inc. and the Dept of Transport and Communications requirements.

(vii) Immediate Past President (IPP)

IPP advises the Executive and assists the President in the performance of his duties. The sharing of the respective duties shall be mutually agreed upon.