



Sunshine FM Radio Association Inc.

## **CONSTITUTION (RULES)**

30 September 2023

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## 1. NAME

The name of the incorporated association shall be Sunshine FM Radio Association Inc. (in this Constitution and Rules called “the Association”).

## 2. OBJECTS

The objects for which the Association is established are:

- (a) To apply for and to hold a community broadcasting licence and any other telecommunications licences.
- (b) To establish and to operate a community broadcasting station and to erect, furnish and equip audio studios and production facilities (or suitable alternatives) of broadcast standard for use by the community.
- (c) To operate as a ‘not-for-profit’ community association. To undertake all measures necessary to provide a radio broadcasting service to encourage, by operating and developing community media activities serving community service organisations, churches, charities, clubs and other ‘not-for-profit’ organisations operating on the Sunshine Coast and surrounding areas and in particular:
  - (i) To enable and facilitate communication within the community by broadcasting programs dealing with local community events, culture and activities.
  - (ii) To provide a community radio and music service designed primarily to meet the needs of senior citizens.
  - (iii) To promote the work of Australian musicians and performers and regularly play throughout the program schedule, new material and music from up and coming Australian bands and performers (such as are suitable for the target audience under paragraph 2(c)(ii), above), especially those not recorded, promoted or distributed by major record companies.
  - (iv) To provide the opportunity for community groups and related associations, organisations and individuals to be involved in the production and presentation of original programs.
- (b) In accordance with paragraph 2(c), above and as the Association determines, to provide programming of a type not adequately covered by existing broadcasters and in particular:
  - (i) To encourage and develop the use of radio for and directed at the local community, including people living with disability and other disadvantaged groups.
  - (ii) To become a ‘town crier’ of cultural and community information by compiling community event resource data and information relating to local activities, events and functions which affect the community.
  - (iii) To assist charities and churches, and not-for-profit community service organisations and clubs on the Sunshine Coast that are undertaking activities with a charitable purpose.
- (c) To refrain from wilfully broadcasting programs or comments on any issue which may cause offence, embarrassment, distress or concern in any way to any person or section of the targeted listening audience.
- (d) To provide ongoing training and assistance to members in producing material for transmission, and provide facilities for members to learn and practice the technical and aesthetic aspects of radio broadcasting.
- (e) To foster the development and ideals of community broadcasting in such a way as the Association may determine, and to become a member of the Community Broadcasting Association of Australia and to subscribe to the Community Broadcasting Association of Australia’s Codes of Practice and the Australian Communications and Media Authority Code of Practice and in particular:

- (i) To seek all possible participation of members in all aspects of the Association including management, operations, programming and program production.
- (ii) To actively discourage the broadcast of material which is sexist, racist, offensive or politically/ethically controversial.
- (f) To inform members and other interested individuals about the aims and operations of the Association, about community broadcasting, Australian music, and about the aims and activities of participating groups and individuals through station programming and regular newsletters.
- (g) To support and to co-operate with any kindred body.
- (h) To appoint, employ, remove or suspend staff or volunteers, as may be necessary or convenient for the purposes of the Association.
- (i) To do or cease to do from time to time, any other such things as may be determined to be in keeping with the general objects or aims of the Association.

### 3. POWERS

- (a) The Association has in the exercise of its affairs, all the powers of an individual.
- (b) The Association may, for example:
  - (i) Enter into contracts;
  - (ii) Acquire, hold, deal with and dispose of property;
  - (iii) Make charges for services and facilities it supplies; and
  - (iv) Do other things necessary and convenient to be done in carrying out its affairs.
- (c) The Association may also issue secured and unsecured notes, debentures and debenture stock for the Association.

### 4. CLASSES OF MEMBERSHIP

- (a) The membership of the Association shall consist of Ordinary members and Life members.
  - (i) Life membership is an honour conferred by the Board of Management on behalf of Members to a Member of the Association who has demonstrated outstanding commitment and meritorious service to the Association.
  - (ii) Life members are to be considered ordinary financial members for life.
- (b) Life membership can be terminated the same as other membership as detailed in section 8.
- (c) Any Life membership existing at the time of the adoption of these rules shall stand undisturbed.
- (d) The number of Ordinary and Life members shall be unlimited.

### 5. APPLICATION FOR MEMBERSHIP

Every application for membership except for Life membership shall be made in writing, signed by the applicant, proposed by two financial members and shall be in such form as the Board of Management from time to time prescribes.

### 6. MEMBERSHIP FEES

- (a) The annual membership fee for each class of membership, except Life membership, shall be determined by the Board of Management from time to time.
- (b) A financial member at any material time is a member who is not then indebted to the Association in respect of annual subscription or levy or other payment, whatsoever.

- (c) Only those members who are financial members at the time shall be entitled, subject to the lawful procedure of the meeting, to speak or vote upon any motion at any general meeting of the Association.

## 7. ADMISSION AND REJECTION OF MEMBERS

- (a) At the next meeting of the Board of Management after receipt of any application and the fee applicable, such application shall be considered by the Board of Management who shall thereupon determine upon the admission or rejection of the application. An application may only be rejected if:
  - (i) Relevant material is not supplied on the membership application form; or
  - (ii) The applicant does not fit the criteria for that class of membership outlined in rule 4; or
  - (iii) The applicant fits into the categories for termination of membership given in sub-rule 8(c).
- (b) Any applicant who receives a majority of the votes of the members of the Board of Management present at the meeting at which such application is being considered shall be accepted as a member.
- (c) Upon the acceptance or rejection of an application for membership, the Secretary shall forthwith give the applicant notice in writing of such acceptance or rejection.
- (d) New members will be eligible to vote at any meeting of the Association after three (3) months of membership.

## 8. TERMINATION OF MEMBERSHIP

- (a) A member may resign from the Association at any time by giving written notice of resignation to the Secretary.
- (b) The resignation shall take effect at the day and time such notice is received by the Secretary or should a later date be specified in the notice it shall take effect on that later date, subject to the approval of the Board of Management.
- (c) If a member:
  - (i) Is convicted of an indictable offence; or
  - (ii) Fails to comply with any of the provisions of the Constitution, rules or by-laws; or
  - (iii) Conducts himself or herself in a manner injurious or prejudicial to the character or interests of the Association,the Board of Management shall consider whether that person's membership shall be terminated.
- (d) The member concerned shall be given a full and fair opportunity of presenting his or her case and if the Board of Management resolves to terminate the membership, it shall instruct the Secretary to advise the member in writing of the resolution of the Committee and the grounds on which it is based.
- (e) If, after at least two (2) separate notices are given to the member to renew their membership, membership fees are not paid within the current financial year, then membership is terminated, automatically. The first of such notices will be issued prior to the end of the financial year; the second at least two (2) months after the end of the financial year.
- (f) Any application to renew a membership which has lapsed because of non- payment of the membership fee within the current financial year shall be treated as a new membership application.

## 9. APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

- (a) A person whose application for membership has been rejected or whose membership has been terminated may, within one (1) month of receiving written notification thereof, lodge with the Secretary written notice of the person's intention to appeal against the decision of the Board of Management.
- (b) Upon receipt of a notification of intention to appeal against rejection or termination of membership, the Secretary shall convene, within three (3) months of the date of receipt by the Secretary of such notice, a general meeting to determine the appeal.
- (c) At any such meeting, the applicant or member shall be given the opportunity to fully present their case and the Board of Management or those members thereof who rejected the application for membership or terminated the membership subsequently shall, likewise, have the opportunity of presenting their case.
- (d) The appeal shall be determined by the vote of the members present at such meeting.
- (e) Where a person whose application is rejected does not appeal against the decision of the Board of Management within the time prescribed by these rules or so appeals but the appeal is unsuccessful, the Secretary shall forthwith refund the amount of any fee paid.

## 10. REGISTER OF MEMBERS

- (a) The Board of Management shall cause a register to be kept in which shall be entered the names and residential addresses of all persons admitted to membership of the Association and the dates of their admission.
- (b) Particulars shall also be entered into the register of deaths, resignations, terminations and reinstatements of memberships and any further particulars, as the Board of Management or the members at any general meeting may require from time to time.
- (c) Only the names of financial members on the register shall be open for inspection at all reasonable times by any member who previously applies to the Secretary for such inspection.

## 11. MEMBERSHIP OF THE BOARD OF MANAGEMENT

- (a) The Board of Management of the Association shall consist of a Chair, Deputy Chair, Secretary, Treasurer, and Executive Director who shall be the current station manager (all of whom shall be members of the Association), and two (2) other members, as the members of the Association at any general meeting may from time to time elect or appoint.
- (b) At the annual general meeting of the Association, all members of the Board of Management for the time being shall retire from office but shall be eligible upon nomination for re-election.
- (c) The election of officers and other members of the Board of Management shall take place in the following manner:
  - (i) Any two (2) members of the Association shall be at liberty to nominate any other member to serve as an officer or other member of the Board of Management.
  - (ii) The nomination which shall be in writing and signed by the member and the member's proposer and seconder shall be lodged with the Secretary at least fourteen (14) days before the annual general meeting at which the election is to take place.
  - (iii) A list of the candidates' names in alphabetical order with the proposers' and seconders' names shall be posted in a conspicuous place in the office or usual place of meeting of the Association for at least seven (7) days immediately preceding the annual general meeting.

- (iv) Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order and each member present at the annual general meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies.
- (v) Should, at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.
- (d) (i) The Secretary shall keep a list of the conflicts of interests of members of the Board of Management.
- (ii) Before attending their first Board of Management meeting, Board of Management members must provide the Secretary with details of any community service organisations, churches, charities, clubs or groups of such organisations which the committee member represents, belongs to or has represented or belonged to in the previous two (2) years and this information shall be included on the list of the conflict of interests.
- (iii) Should an existing Board of Management member join or become a representative of a community service organisation, church, charity, club or group of such organisations while in office, the member shall advise the Secretary before attending the next Board of Management meeting and the community service organisation, church, charity, club or group of such organisations shall be added to the list of conflicts of interests of Board of Management members.

## 12. RESIGNATION OR REMOVAL FROM OFFICE OF A BOARD OF MANAGEMENT MEMBER

- (a) A Board of Management member may resign from the Board of Management at any time by giving written notice of resignation to the Secretary.
- (b) The resignation shall take effect at the day and time such notice is received by the Secretary or should a later date be specified in the notice it shall take effect on that later date, subject to the approval of the Board of Management.
- (c) A member may be removed from office at a general meeting of the Association if a majority of the members present at the meeting vote in favour of removing the member.
- (d) 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.
- (e) Likewise, any member of the Board of Management who wishes to do so may also speak to the matter of removal of any other committee member.
- (f) Once the question of removal of the member has been decided by a vote of the majority of members present and if the decision is in the affirmative, a member has no right of appeal against that member's removal from office under this section.

## 13. VACANCIES ON BOARD OF MANAGEMENT

- (a) If a casual vacancy happens on the Board of Management, the continuing members of the committee may appoint another member of the Association to fill the vacancy until the next annual general meeting.
- (b) The continuing members of the Board of Management may act, despite a casual vacancy on the Board of Management, provided that the vacancy is filled with the least practical delay.
- (c) If the number of committee members is less than the number fixed under these rules as a quorum of the Board of Management the continuing members may act only to:
  - (i) Increase the number of Board of Management members to the number required for a quorum; or

- (ii) Call a general meeting of the Association.

## 14. FUNCTIONS OF THE BOARD OF MANAGEMENT

- (a) Except as otherwise provided by these rules and subject to resolutions of the members of the Association carried at any general meeting, the Board of Management:
  - (i) Shall have the general control and management of the administration of the affairs, property and funds of the Association.
  - (ii) Shall have authority to interpret the meaning of this Constitution and rules and any matter relating to the Association on which this Constitution and rules are silent.
  - (iii) Shall have the authority to make a code of conduct, rules and by-laws consistent with the provisions of this Constitution and rules.
- (b) The Board of Management may exercise all powers of the Association:
  - (i) To borrow or raise or secure the payment of money in such manner as the members of the Association may think fit and secure the same or the payment or performance of any debt, liability contract, guarantee or other agreement incurred or to be entered into by the Association in any way and in particular, by the issue of debenture, perpetual or otherwise, charged upon all or any of the Association's property both present and future and to purchase, redeem or pay off any such securities.
  - (ii) To borrow and to pay interest on the amounts borrowed and to mortgage or charge its property or any part thereof and to issue debentures and other securities whether outright or as security for any debt, liability or obligation of the Association and to provide and pay off any such securities.
  - (iii) To invest in such manner as the Board of Management or members of the Association may from time to time determine.
- (a) For sub-section (b)(ii), the rate of interest must not be more than the rate for the time being charged for overdrawn accounts for money lent (whatever the term of the loan) by:
  - (i) The financial institution for the Association; or
  - (ii) If there is more than one financial institution for the Association, the financial institution nominated by the Board of Management.

## 15. MEETINGS OF BOARD OF MANAGEMENT

- (a) The Board of Management shall meet at least once every three (3) calendar months to exercise its functions.
- (b) The Board of Management shall decide how a meeting is to be called.
- (c) Notice of a meeting is to be given in the way decided by the Board of Management.
- (d) A special meeting of the Board of Management shall be convened by the Secretary on the requisition in writing, signed by not less than one-third of the members of the Board of Management, which requisition shall clearly state the reasons why such special meeting is being convened and the nature of the business to be transacted thereat.
- (e) A quorum at every meeting of the Board of Management will be half the number of members elected and/or appointed to the Board of Management, as at the close of the last general meeting of the members, plus one.
- (f) Subject to previous provisions in this section, the Board of Management may meet together and regulate its proceedings as it thinks fit.
- (g) However, questions arising at any meeting of the Board of Management shall be decided by a majority of votes and in the case of equality of votes, the question shall be decided on the casting vote of the meeting chairman.



- (h) A member of the Board of Management shall not vote in respect of any contract or proposed contract with the Association in which the member is interested or any matter arising thereat and if the member does so vote, the member's vote shall not be counted.
- (i) Not less than fourteen (14) days' notice shall be given by the Secretary to members of the Board of Management of any special meeting of the Board of Management.
- (j) Such notice shall clearly state the nature of the business to be discussed thereat.
- (k) The Chair shall preside as chairperson at every meeting of the Board of Management or if there is no Chair or if at any meeting the Chair is not present within ten (10) minutes after the time appointed for holding the meeting, the Deputy Chair shall be chairperson or if the Deputy Chair is not present at the time of the meeting, then the members may choose one of their number to be chairperson of the meeting.
- (l) If within thirty (30) minutes from the time appointed for the commencement of a special Board of Management meeting a quorum is not present at the meeting, if convened upon the requisition of the members of the Board of Management, the meeting shall lapse.
- (m) In any other case it shall stand adjourned to the same day in the next week at the same time and place or to such other day and at such other time and place as the Board of Management may determine and if at the adjourned meeting a quorum is not present within thirty (30) minutes from the time appointed for the meeting, the meeting shall lapse.

## 16. DELEGATION OF BOARD OF MANAGEMENT POWERS

- (a) The Board of Management may delegate the whole or part of its powers to a subcommittee consisting of Association members considered appropriate by the committee.
- (b) A subcommittee may only exercise delegated powers in the way the Board of Management decides.
- (c) A subcommittee may elect a chairperson of its meetings.
- (d) If a subcommittee chairperson is not elected or if the chairperson is not present within ten (10) minutes after the time fixed for a meeting, the members present may choose one of their number to be chairperson of the meeting.
- (e) A subcommittee may meet and adjourn as it considers appropriate.
- (f) 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.
- (g) The Chair of the Association shall automatically be a member of all sub-committees appointed, subject to the provisions of these rules.

## 17. ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

- (a) An act performed by the Board of Management, a properly appointed subcommittee or a person acting as a member of the Board of Management is taken to have been validly performed; and
- (b) Subsection (a) applies even after the act was performed when:
  - (i) There was a defect in the appointment of a member of the Board of Management, subcommittee or person acting as a member of the Board of Management; or
  - (ii) A resolution mentioned in subsection (a) may consist of several documents in like form, each signed by one or more members of the Board of Management.

## 18. RESOLUTIONS OF BOARD OF MANAGEMENT WITHOUT MEETING

- (a) A written resolution signed by each member of the Board of Management who, for the time being, is entitled to receive notice of a committee meeting is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (b) A resolution mentioned in subsection (a) may consist of several documents in like form, each signed by one (1) or more members of the committee.

## 19. ANNUAL GENERAL MEETING

- (a) The annual general meeting of members shall be held within three (3) months of the close of the financial year of the Association.
- (b) The Board of Management shall decide the date, time and venue for an annual general meeting.
- (c) A written notice shall be sent to all members of the Association, at least twenty- eight (28) days prior to the date set and shall include all necessary details of the date, time and venue in accordance with item 20.
- (d) The Notice of annual general meeting shall also include details of the time, place and location for the lodging of nominations for all vacancies on the Board of Management.
- (e) A notice incorporating the advices contained under Item 19(c) above shall be broadcast on appropriate occasions in the station on-air program schedule at least twenty-eight (28) days prior to the meeting and up to the date set for the closing of nominations for the Board of Management.

## 20. BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING

The following business must be conducted at each annual general meeting:

- (a) Receiving a report from the retiring Chair on behalf of the retiring Board of Management and any report from any member of the Board of Management executive who so desires.
- (b) Receiving the statement of income and expenditure, assets, liabilities and mortgages, charges and securities affecting the property of the Association for the previous financial year.
- (c) Receiving the auditor's report on the financial affairs of the Association for the previous financial year.
- (d) Presenting the audited statement to the meeting for adoption.
- (e) Electing members of the Board of Management; and
- (f) Appointing an auditor.

## 21. SPECIAL GENERAL MEETING

- (a) The Secretary may only call a special general meeting by giving each member notice of the meeting within fourteen (14) days after:
  - (i) Being directed to call the meeting by the Board of Management; or
  - (ii) Being given a written request signed by:
    - [a] At least one-third of the members of the Association presently on the Board of Management; or
    - [b] At least the number of ordinary members of the Association equal to double the number of members of the Association presently on the Board of Management plus one; or

- [c] Being given a written notice of intention to appeal against the decision of the Board of Management:-
  - {a} To reject an application for membership; or
  - {b} To terminate a person's membership.
- (b) A request mentioned in subsection (a)(ii) must state:-
  - (i) Why the special general meeting is being called; and
  - (ii) The business to be conducted at the meeting.

## 22. NOTICE OF GENERAL MEETING

- (a) The Secretary may call a general meeting of the Association when directed to do so.
- (b) The Secretary must give at least fourteen (14) days' notice of the meeting to each Association member.
- (c) The Board of Management may decide the way in which the notice must be given.
- (d) Notice of the following meetings must be given in writing:
  - (i) A meeting called to hear and decide the appeal of a member against the rejection or termination of the member's membership by the Board of Management; or
  - (ii) A meeting called to hear and decide a proposed special resolution of the Association.
- (e) A notice of a general meeting must state the business to be conducted at the meeting, and the time, date and location of the meeting venue.

## 23. QUORUM FOR AND ADJOURNMENT OF A GENERAL MEETING

- (a) Subject to subsection (e), at a general meeting, the number of members equal to double the number of members of the Association presently on the Board of Management plus one shall form a quorum.
- (b) No business may be conducted at a general meeting unless a quorum of members is present when the meeting proceeds to business.
- (c) If a quorum is not present within thirty (30) minutes after the time fixed for a general meeting called on the request of members of the Board of Management or the Association, the meeting lapses.
- (d) If a quorum is not present within thirty (30) minutes after the time fixed for a general meeting called other than on the request of members of the Board of Management or the Association, the meeting is to be adjourned to a day, time and place decided by the Board of Management.
- (e) If, at an adjourned meeting, a quorum under subsection (a) is not present within thirty (30) minutes after the time fixed for the meeting, the members present form a quorum.
- (f) The chairperson may, with the consent of any meeting at which a quorum is present and must, if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (g) If a meeting is adjourned under subsection (f), only the business left unfinished at the meeting from which adjournment took place may be conducted at the adjourned meeting.
- (h) The Secretary is not required to give the members notice of an adjournment or of the business to be conducted at the adjourned meeting unless a meeting is adjourned for at least thirty (30) days.
- (i) If a meeting is adjourned for at least thirty (30) days, notice of the adjourned meeting must be given in the same way that notice is given for an original meeting.
- (j) In this rule 'member' includes a person attending as a proxy or representing a corporation that is a member.

- (k) Any person attending a general meeting of members as a proxy must present to the Secretary a written authority for such proxy before any vote is taken.

## 24. PROCEDURE AT A GENERAL MEETING

- (a) Subject to these rules, at each general meeting:
  - (i) The Chair or if there is no Chair or if the Chair is not present within fifteen (15) minutes after the time fixed for the meeting or is unwilling to act, the Deputy Chair is to preside as chairperson; and
  - (ii) If the Deputy Chair is absent or unwilling to act as chairperson, the members present must elect one of their number to be chairperson of the meeting; and
  - (iii) The chairperson must conduct the meeting in accordance with accepted meeting procedure.
  - (iv) Each question, matter or resolution must be decided by a majority of votes of the members present.
  - (v) Each member present and entitled to vote is entitled to one vote only and if the votes are equal, the chairperson has a casting vote, as well as a primary vote.
  - (vi) A member is not entitled to vote at a general meeting if the member's annual fee is in arrears at the date of the meeting.
  - (vii) Voting may be by a show of hands or a division of members, unless at least twenty per cent (20%) of the members present demand a secret ballot.
  - (viii) If a secret ballot is held, the chairperson must appoint two (2) members to conduct the secret ballot in the way the chairperson decides.
  - (ix) 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.
  - (x) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each Board of Management meeting and general meetings are entered in a minute book.
  - (xi) The Secretary must ensure the minute book for each general meeting is open for inspection at all reasonable times by any financial member who previously applies to the Secretary for the inspection.
- (b) To ensure the accuracy of the minutes recorded under subsection (a)(xi):
  - (i) The minutes of each Board of Management meeting must be signed by the chairperson of the meeting or the chairperson of the next Board of Management meeting, verifying their accuracy;
  - (ii) 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
  - (iii) 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 Association that is a general meeting or annual general meeting, verifying their accuracy.

## 25. BYLAWS

- (a) The Board of Management may make, amend or repeal by-laws, not inconsistent with this constitution and rules, for the internal management of the Association.
- (b) A by-law may be set aside by a vote of members at a general meeting of the Association.

## 26. ALTERATION OF RULES

- (a) Subject to the Associations Incorporation Act 1981, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- (b) However, an amendment, repeal or addition is valid only if it is registered by the appropriate governing authority.

## 27. COMMON SEAL

- (a) The Board of Management must ensure the Association has a common seal.
- (b) The common seal must be:
  - (i) Kept securely by the Board of Management; and
  - (ii) Used only under the authority of the Board of Management.
- (c) Each instrument to which the seal is attached must be signed by a member of the Board of Management and countersigned by:
  - (i) The Secretary; or
  - (ii) Another member of the Board of Management; or
  - (iii) Someone appointed by the Board of Management.

## 28. FINANCIAL YEAR

The financial year of the Association shall close on the thirtieth day of June each year.

## 29. FUNDS AND ACCOUNTS

- (a) The funds of the Association must be kept in an account in the name of the Association in a financial institution decided by the Board of Management.
- (b) Records and accounts must be kept showing full and accurate particulars of the financial affairs of the Association.
- (c) All amounts received must be deposited in the financial institution account, as soon as practicable after receipt.
- (d) If an amount of \$100.00 or more is paid by cheque, the cheque must be signed by any two of the following:
  - (i) The Chair;
  - (ii) The Secretary;
  - (iii) The Treasurer;
  - (iv) Another member authorised by the Board of Management for the purpose.
- (e) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed 'not negotiable'.
- (f) A petty cash account must be kept on the imprest system and the Board of Management must decide the amount of petty cash to be kept in the account.
- (g) All expenditure must be approved or ratified at a Board of Management meeting.
- (h) The Treasurer must, as soon as practicable after the end of each financial year, ensure a statement containing the following particulars is prepared:
  - (i) The income and expenditure for the financial year just ended;
  - (ii) The Association's assets and liabilities at the close of the year;
  - (iii) The mortgages, charges and securities affecting the property of the Association at the close of the year.

- (i) The auditor must examine the statement prepared under subsection (h) and present a report about it to the Secretary before the next annual general meeting following the financial year for which the audit was made.
- (j) The income and property of the Association must be used solely to promote the Association's objectives and in exercising the Association's powers.

### 30. PUBLIC FUND – ESTABLISHMENT, OPERATION AND WINDING UP

- (a) The Association will establish and maintain a public fund.
- (b) Donations will be deposited into the public fund listed on the Register of Cultural Organisations.
- (c) These monies will be kept separate from other funds of the Association and will only be used to further the principal purpose of the Association.
- (d) Investment of monies in this fund will be made in accordance with guidelines for public funds, as specified by the Australian Taxation Office.
- (e) The fund will be administered by a subcommittee of the Board of Management, the majority of whom, because of their tenure of some public office or their professional standing, have an underlying community responsibility, as distinct from obligations solely in regard to the cultural objectives of Sunshine FM Radio Association Inc.
- (f) No monies/assets in this fund will be distributed to members or office bearers of the Association, except as reimbursement of out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.
- (g) The department responsible for the administration of the Register of Cultural Organisations will be notified of any proposed amendments or alterations to provisions for the public fund to assess the effect of any amendments on the public fund's continuing Deductible Gift Recipient status.
- (h) Receipts for gifts to the public fund must state:
  - (i) The name of the public fund and that the receipt is for a gift made to the public fund;
  - (ii) The Australian Business Number of the Association;
  - (iii) The fact that the receipt is for a gift; and
  - (iv) Any other matter required to be included on the receipt pursuant to the requirements of the *Income Tax Assessment Act 1997*.
- (i) The Association must comply with any rules that the Treasurer or the Minister for the Arts make to ensure that gifts made to the public fund will only be used for the Association's principal purpose.
- (j) The Association must provide to the department, statistical information on the gifts made to the public fund every six (6) months.
- (k) If, upon the winding-up or dissolution of the public fund listed on the Register of Cultural Organisations, there remains after satisfaction of all its debts and liabilities any property or funds, the property or funds shall not be paid to or distributed among its members but shall be given or transferred to some other fund, authority or institution having objects similar to the objects of this public fund, and whose rules shall prohibit the distribution of its or their income among its or their members, such fund, authority or institution to be eligible for tax deductibility of donations under Subdivision 30-B, section 30-100, of the Income Tax Assessment Act 1997 and listed on the Register of Cultural Organisations maintained under the Act.

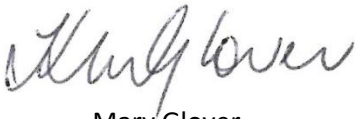
## 31. DOCUMENTS

The Board of Management must ensure the safe custody of books, documents, instruments of title and securities of the Association.

## 32. DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

- (a) This section applies if the Association (as distinct from the Public Fund):
  - (i) Is wound-up under Part 10 of the *Associations Incorporation Act 1981*; and
  - (ii) It has surplus assets.
- (b) The surplus assets must not be distributed among the Association members.
- (c) The surplus assets must be given to another entity
  - (i) Having objects similar to the Association's objects; and
  - (ii) The rules of which prohibit the distribution of the entity's income and assets to its members.
- (d) In this section, 'surplus assets' has the same meaning given by section 92(3) of the *Associations Incorporation Act 1981*.

**We certify that this Constitution of the Sunshine FM Radio Association Inc. is true and correct.**



Mary Glover  
**Chair**

10<sup>th</sup> October 2023  
**Date**



Chris Wordsworth  
**Secretary**

10<sup>th</sup> October 2023  
**Date**