

BAYSIDE COMMUNITY RADIO ASSOCIATION INC.
CONSTITUTION
(Amended 4th September, 2019)

1. WORDS AND EXPRESSIONS TO HAVE MEANING IN ACT

The “Act” refers to the Associations Incorporations Act 1981 and Regulations and subsequent revisions.

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

The term “Chief Executive” carries the same meaning as in the Act.

2. NAME

*The name of the incorporated association is the **BAYSIDE COMMUNITY RADIO ASSOCIATION INC**, hereinafter called the “**ASSOCIATION**”, or “**BCRA**”. The term “**4Bay**” refers to the Transmission Call-sign of the Station, as licensed by the **Australian Communications and Media Authority (ACMA)**.*

3. OBJECTS

The objects of the association are:

- (a) to provide a viable quality community broadcasting service to the eastern suburbs of Brisbane, the Bayside, Redlands, Wynnum-Manly and adjacent islands which enables wide community access and participation;*
- (b) to provide interesting and entertaining programs with trained announcers which uphold the principle of diversity with tolerance;*
- (c) to adhere to the Codes of Practice for community broadcasters as laid down by the Community Broadcasting Association of Australia;*
- (d) to assist the community in emergency situations;*
- (e) to maintain a high technical standard of transmission to the areas designated under the Licence granted by the Australian Broadcasting Authority;*
- (f) to establish liaison with other community broadcasters to provide an exchange of information.*

4. POWERS

(1) The association has the powers of an individual.

(2) The association 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 association may also issue secured and unsecured notes, debentures and debenture stock for the association.

5. CLASSES OF MEMBERS

(1) The membership of the association shall consist of the following classes of membership:

- (a) Ordinary members – only natural persons are eligible to be admitted to this class of membership, and shall be such persons who have satisfied the criteria for membership and are financial. Membership is unlimited.*
- (b) Community members – community associations whether incorporated or not, be such organizations who have satisfied the criteria for membership and are financial. Membership is unlimited.*
- (c) Life members – must be ordinary members who in the opinion of the members of the Association, made an outstanding contribution over a long period of time to the*

advancement of the objects of the Association. Membership to be strictly limited.

- (d) Honorary members – shall be such persons who are willing to carry out tasks or functions necessary to the operation of the Association, where no-one suitable, qualified, experienced or willing, can be found among the membership, (i.e. preparing and/or presenting specialized programming). They must be invited in writing by the **Board**. They will enjoy such membership privileges as decided by the **Board** and only “for the duration” of their temporary service. There will be no obligation to pay a membership fee; numbers to be limited. This class of membership carries no voting rights at General Meetings.*
 - (e) Subscriber members – persons or organizations who are willing to support the station are eligible for this class of membership. There is no obligation to pay a membership fee. Membership is by invitation from the **Board** and is reviewed annually. Membership is limited to 5 members at any one time and carries no voting rights at General Meetings.*
 - (f) Family members – two adults only in the same household who will both have voting rights, and shall be such persons who have satisfied the criteria for membership and are financial. Membership is unlimited.*
- (2) Any person or entity, including but not limited to government departments and agencies, statutory authorities, local governments, commercial firms or corporations may take out sponsorship of programs on 4BAY.*

All classes of membership carry the same rights with the exception of Subscriber Members and Honorary Members who are not entitled to vote at General meetings, but may serve on the Board

6. MEMBERSHIP

- (1) An applicant for membership of the association, other than for Subscriber, Life, or Honorary Membership, must be proposed by a member of the association (the **proposer**) and seconded by another member (the **seconder**)*
- (2) An application for membership must be –*
 - (a) in writing; and*
 - (b) signed by the applicant and the applicant’s proposer and seconder; and*
 - (c) in the form decided by the **Board**.*

7. MEMBERSHIP FEES

- (1) The membership fee for each class of membership-*
 - (a) is the amount decided by the members from time to time at a general meeting in accordance with these rules; and*
 - (b) is payable when, and in the way, the **Board** decides.*

8. ADMISSION AND REJECTION OF MEMBERS

*Except for Honorary and Subscriber Members which are appointed by the **Board** as in 5(1) d and e,*

- (1) The **Board** must consider an application for membership at the next meeting of the board held after it receives-*
 - (a) the application; and*
 - (b) the appropriate membership fee for the application.*
- (2) The board must decide at the meeting whether to accept or reject the application.*
- (3) If a majority of the board members present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member to the class of membership applied for.*
- (4) The secretary of the association must, as soon as practicable after the board decides to accept or reject an application, give the applicant a written notice of the decision.*

9. WHEN MEMBERSHIP ENDS

Except for Honorary and Subscriber Members which are appointed by the Board as in 5(1) d and e,

- (1) A member may resign from the association by giving a written notice of resignation to the secretary.*
- (2) The resignation takes effect on-*
 - (a) the day and at the time the notice is received by the secretary; or*
 - (b) if a later day is stated in the notice – the later day.*
- (3) The board may terminate a member's membership if the member-*
 - (a) is convicted of an indictable offence; or*
 - (b) does not comply with any of the provisions of these rules; or*
 - (c) has membership fees in arrears for at least 2 months; or*
 - (d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the association.*
- (4) Before the board terminates a member's membership, the board must give the member a full and fair opportunity to show why the membership should not be terminated.*
- (5) If, after considering all representations made by the member, the board decides to terminate the membership, the secretary of the board must give the member a written notice of the decision.*

10. APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

Except for Honorary and Subscriber Members which are appointed by the Board as in 5(1) d and e,

- (1) A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.*
- (2) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.*
- (3) If the secretary receives a notice of intention to appeal, the secretary must, within 3 months after the day of receipt, call a general meeting to decide the appeal.*
- (4) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.*
- (5) Also, the board and the board members who rejected the application or terminated the membership must be given an opportunity to show why the application should be rejected or the membership should be terminated.*
- (6) An appeal must be decided by a vote of the members present at the meeting.*
- (7) If a person whose application has been rejected 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 application fee paid by the person.*

11. REGISTER OF MEMBERS

- (1) The board must keep a register of members.*
- (2) The register of members must include the following particulars for each member-*
 - (a) the full name and residential address of the member;*
 - (b) the date of admission as a member;*
 - (c) the date of death or resignation of the member;*
 - (d) details about the termination or reinstatement of membership;*
 - (e) any other particulars the board or the members at the general meeting decide.*
- (3) The register must be open for inspection at all reasonable times.*
- (4) However, before the member may inspect the register, the member must apply to the secretary to inspect it.*

12. SECRETARY

- (1) *If a vacancy happens in the office of secretary, the members of the board must ensure a secretary is appointed or elected for the association within 1 month after the vacancy happens.*
- (2) *The secretary must be an individual who meets the requirements of the Act and who is—*
 - (a) *a member of the association elected by the association as secretary; or*
 - (b) *any of the following persons appointed by the board-*
 - (i) *a member of the association's board;*
 - (ii) *a member of the association;*
 - (iii) *another person.*
- (3) *The board may appoint and remove the association's secretary at any time.*
- (4) *The Secretary is entitled to vote at General Meetings and at Board Meetings.*

13. MEMBERSHIP OF BOARD

- (1) *The board of the association shall consist of:*
 - (a) ***No less than 9 board members, with executive comprising of 4 board members including the President, Vice President, Treasurer and Secretary and a general board comprising of no less than 5 non executive board members excluding announcers rep;***
 - (b) *a representative from the presenters to act as an advocate for their interests shall be a member of the board of the association who is elected from nominations received from the presenters themselves at the annual general meeting. **This position will be a non voting role;***
 - (c) *An attempt will be made to ensure that a majority of members of the board of the association, apart from the presenters' representative, are autonomous people who are representative of the community to which 4BAY broadcasts.*
- (2) *A member of the board, other than the secretary, must be a member of the association.*
- (3) *At each annual general meeting of the association, the expiring term members of the board must retire from office, but are eligible, on nomination, for re-election.*
- (4) *All members of the board are entitled to vote at Board Meetings.*
- (5) ***That the term of office of board members is two (2) years, with half board elections annually to keep continuity of the board. Four (4) board members to stand down at the 2020 AGM, then five (5) at the 2021 election then 4 at 2022 so on. The first four (4) to stand down at the 2020 AGM will be determined at the 2019 AGM by straw poll***

14. ELECTING THE BOARD

- (1) *A member of the board may only be elected as follows*
 - (a) *any 2 members of the association may nominate another member (the **candidate**) to serve as a member of the board;*
 - (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 **28** days before the annual general meeting at which the election is to be held;*
 - (c) *each member present at the annual general meeting may vote for any number of candidates not more than the number of vacancies;*
 - (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 list of the candidates' 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 association for at least **14** days immediately preceding the annual general meeting.*
- (3) *If required by the board, balloting lists must be prepared containing the names of the candidates in alphabetical order.*

(4) The executive committee (President, Vice President, Treasurer, Secretary) to be appointed by prevailing board

15. RESIGNATION OR REMOVAL FROM OFFICE OF BOARD MEMBER

- (1) A board member may resign from the board by giving written notice of resignation to the secretary.
- (2) The resignation takes effect on-
 - (a) the day and at the time the notice is received by the secretary; or
 - (b) if a later day is stated in the notice - the later day.
- (3) 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.
- (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 section.

16. VACANCIES ON BOARD

- (1) If a casual vacancy happens on the board, the continuing members of the board may appoint another member of the association to fill the vacancy until the next annual general meeting.
- (2) The continuing members of the board may act despite a casual vacancy on the board.
- (3) However, if the number of board members is less than the number fixed under these rules as a quorum of the board (as defined in section 18(7)), the continuing members may act only to-
 - (a) increase the number of board members to the number required for a quorum; or
 - (b) call a general meeting of the association.

17. FUNCTIONS OF BOARD

- (1) Subject to these rules or a resolution of the association members carried at a general meeting, the board-
 - (a) has the general control and management of the administration of the affairs, property and funds of the association; and
 - (b) has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent.
- (2) The board may exercise the powers of the association-
 - (a) to borrow, raise or secure the payment of amounts in a way the association members 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 association in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the association's 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 association; and
 - (g) to provide and pay off any securities issued; and
 - (h) to invest in a way the members of the association may from time to time decide.
- (3) For sub-section (2)(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 association; or
 - (b) if there is more than 1 financial institution for the association - the financial institution nominated by the association.

18. MEETINGS OF BOARD

- (1) *Subject to subsections (2) to (16), the board may meet and conduct its proceedings as it considers appropriate.*
- (2) *The board must meet at least once every three months to exercise its functions.*
- (3) *The board must decide how a meeting is to be called.*
- (4) *Notice of a meeting is to be given in the way decided by the board.*
- (5) *If the secretary receives a written request signed by at least 33% of the board members, the secretary must call a special meeting of the board.*
- (6) *A request for a special meeting must state-*
 - (a) *why the special meeting is being called; and*
 - (b) *the business to be conducted at the meeting.*
- (7) *At a board meeting, more than 50% of the members elected or appointed to the board as at the close of the last general meeting of the members form a quorum.*
- (8) *A question arising at a board meeting is to be decided by a majority vote of board members present at the meeting and, if the votes are equal, the question is decided in the negative.*
- (9) *A board member must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract, and if the member does vote the member's vote must not be counted.*
- (10) *The secretary must give each board member at least 14 days notice of a special meeting of the board.*
 - (11) *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.*
- (12) *The president or, if there is no president or if the president is not present within 10 minutes after the time fixed for a board meeting, the vice-president is to preside as chairperson at the meeting.*
- (13) *If the president and the vice-president are absent from a board meeting, the members may choose 1 of their number to preside as chairperson at the meeting.*
- (14) *If a quorum is not present within 30 minutes after the time fixed for a board meeting called on the request of board members, the meeting lapses.*
 - (15) *If a quorum is not present within 30 minutes after the time fixed for a board meeting called other than on the request of board members, the meeting is adjourned to*
 - (a) *the same day, time and place in the next week; or*
 - (b) *a day, time and place decided by the board.*
 - (16) *If, at the adjourned meeting mentioned in subsection, a quorum is not present within 30 minutes after the time fixed for the meeting, the meeting lapses.*

19. DELEGATION OF BOARD POWERS

- (1) *The board may delegate the whole or part of its powers to a sub-committee consisting of the association members considered appropriate by the board.*
- (2) *A sub-committee may only exercise delegated powers in the way the board decides.*
- (3) *A sub-committee 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 sub-committee may meet and adjourn as it considers appropriate.*
- (6) *A question arising at a sub-committee 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.*

20. ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

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

21. RESOLUTIONS OF BOARD WITHOUT MEETING

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

22. ANNUAL GENERAL MEETINGS

Each annual general meeting must be held –

- (a) *at least once each year; and*
- (b) *within 6 months after the end of the association's previous financial year.*

23. BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING

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

- (a) *receiving the statement of income and expenditure, assets, liabilities and mortgages, charges and securities affecting the property of the association for the last financial year. This statement is to be prepared in accordance with the Act S 59;*
- (b) *receiving the auditor's report on the financial affairs of the association for the last financial year;*
- (c) *presenting the audited statement to the meeting for adoption;*
- (d) *presenting a statement on Public Liability Insurance in Accordance with the Act S.70*
- (e) *electing members of the board;*
- (f) *appointing an auditor.*

24. SPECIAL GENERAL MEETING

- (1) *The secretary may only call a special general meeting by giving each member notice of the meeting within 14 days after –*
 - (a) *being directed to call the meeting by the board; or (b) being given a written request signed by at least 33% of the members of the association presently on the board; or*
 - (i) *at least the number of ordinary members of the association equal to double the number of members of the association presently on the board plus 1; or*
 - (c) *being given a written notice of an intention to appeal against the decision of the board-*
 - (i) *to reject an application for membership; or*
 - (ii) *to terminate a person's membership.*
- (2) *A request mentioned in subsection (1)(b) must state-*
 - (a) *why the special general meeting is being called; and*
 - (b) *the business to be conducted at the meeting.*

25. NOTICE OF GENERAL MEETING

- (1) *The secretary may call a general meeting of the association.*
- (2) *The secretary must give at least 14 days notice of the meeting to association members.*
- (3) *The board may decide the way in which the notice must be given.*
- (4) *However, notice of the following meetings must be given in writing-*
 - (a) *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; or*
 - (b) *a meeting called to hear and decide a proposed special resolution of the association.*
- (5) *A notice of a general meeting must state the business to be conducted at the meeting.*

26. QUORUM FOR, AND ADJOURNMENT OF, GENERAL MEETING

- (1) *Subject to subsection (5), at a general meeting the number of members equal to double the number of members of the association presently on the board plus 1 form a quorum.*
- (2) *No business may be conducted at a general meeting unless a quorum of members is present when the meeting proceeds to business.*
- (3) *If a quorum is not present within 30 minutes after the time fixed for a general meeting called on the request of members of the board or the association, the meeting lapses.*
- (3) *If a quorum is not present within 30 minutes after the time fixed for a general meeting called other than on the request of members of the board or the association, the meeting is to be adjourned to-*
 - (4) *(a) the same day, time and place in the next week; or*
 - (b) *a day, time and place decided by the board.*
- (5) *If at an adjourned meeting, a quorum under subsection (1) is not present within 30 minutes after the time fixed for the meeting, the members present form a quorum.*
- (6) *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.*
- (7) *If a meeting is adjourned under subsection (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.*
- (10) *In this rule—"member" includes a person attending as a proxy or representing a corporation that is a member*

27. PROCEDURE AT GENERAL MEETING

- (1) *Subject to these rules, at each general meeting –*
 - (a) *the president or, 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 vice-president is to preside as chairperson; and*
 - (b) *if the vice-president is absent or unwilling to act as chairperson, 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; and*
 - (d) *each question, matter or resolution must be decided by a majority of votes of the members present; and*
 - (e) *each member present and entitled 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; and*
 - (f) *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; and
- (g) voting may be by a show of hands or a division of members, unless at least 20% of the members present demand a secret ballot; and
 - (h) if a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides; and
 - (i) 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; and
 - (j) a member may vote in person or by proxy or by attorney and-
 - (i) on a show of hands, each person present who is a member or a representative of a member has 1 vote; and
 - (ii) in a secret ballot, each member present in person or by proxy or by attorney or other properly authorized representative has 1 vote; and
 - (k) an instrument appointing a proxy must be in writing; and-
 - if the appointer is an individual – signed by the appointer or the appointer’s attorney properly authorized in writing; or
 - if the appointer is a corporation – either under seal or signed by a properly authorized officer or attorney of the corporation; and
 - (l) a proxy may be a member of the association or another person; and
 - (m) the instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot; and
 - (n) if someone wants to give a member an opportunity to vote for or against a resolution, the instrument appointing a proxy must be in the following or like form-

: Bayside Community Radio Association Inc

I, of, being a member of the above- mentioned association, hereby appoint.....of or failing him/herof..... as my proxy to vote for me on my behalf at the (annual) general meeting of the association, to be held on the.....day of....., 20..... Signed

this.....day of.....,20.....

..... Signature

This form is to be used *in favour of/*against the following resolutions.

*Strike out whichever is not desired. (Unless otherwise instructed, the proxy may vote as the proxy thinks fit.);

- (o) *All proxy votes will be sent to the secretary by email, post, via the website or put into a locked box at Bay FM Radio House Thornlands no later than 24 hours prior to the AGM; and*
 - (p) *the secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each board meeting and general meeting are entered in a minute book; and*
 - (q) *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.*
- (2) *To ensure the accuracy of the minutes recorded under subsection (1)(p)-*
- (r) *the minutes of each board meeting must be signed by the chairperson of the meeting, or the chairperson of the next board meeting, verifying their accuracy; and*
 - (s) *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*
 - (t) *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.*

28. BY-LAWS

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

29. 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 after it is registered by the chief executive. (Office of Fair Trading)*

30. COMMON SEAL

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

31. FUNDS AND ACCOUNTS

- (1) *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.*
- (2) *Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the association.*
- (3) *All amounts must be deposited in the financial institution account as soon as practicable after receipt.*
- (4) *If an amount of \$100 or more is paid by cheque, the cheque must be signed by any 2 of the following-*
 - (a) *the president;*
 - (b) *the secretary;*

- (c) *the treasurer;*
- (d) *another member authorised by the board for the purpose.*
- (5) *Payments for debts may be made by direct bank transfers, providing two of the persons in (4) above authorize the transactions electronically.*
- (6) *Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed 'not negotiable'.*
- (7) *A petty cash account must be kept on the imprest system, and the board must decide the amount of petty cash to be kept in the account.*
- (8) *All expenditure must be approved or ratified at a board meeting.*
- (9) *The treasurer must, as soon as practicable after the end of each financial year, ensure a statement containing the following particulars is prepared—*
 - (a) *the income and expenditure for the financial year just ended;*
 - (b) *the association's assets and liabilities at the close of the year;*
 - (c) *the mortgages, charges and securities affecting the property of the association at the close of the year.*
- (10) *The auditor must examine the statement prepared under subsection (8) 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.*
- (11) *The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.*

32. DOCUMENTS

The board must ensure the safe custody of books, documents, instruments of title and securities of the association.

33. FINANCIAL YEAR

The financial year of the association closes on 30th June in each year.

34. DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

- (1) *This section applies if the association-*
 - (a) *is wound-up under Part 10 of the Act, and*
 - (b) *it has surplus assets.*
- (2) *The surplus assets must not be distributed among the association members.*
- (3) *The surplus assets must be given to another entity -*
 - (a) *having objects similar to the association's objects; and*
 - (b) *the rules of which prohibit the distribution of the entity's income and assets to its members.*
 - (c) *In this section "surplus assets" has the meaning given by Section 92(3) of the Act.*