

RULES

DISABILITY MEDIA INCORPORATED

Registered No A0047165M

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RULES OF DISABILITY MEDIA INCORPORATED

1. NAME

The name of the incorporated association is Disability Media Incorporated (in these Rules called the **Association**).

2. DEFINITIONS

(1) In these Rules, unless the contrary intention appears:

Act means the *Associations Incorporation Act 1981* (Vic).

committee means the committee of management of the Association.

Disability Media Donation Fund means the Public Fund established pursuant to rule 38(1).

Eligible Person means a person who the committee is satisfied is committed to the purposes of the Association and who, in the opinion of the committee:

- (a) is identified as being a person with a disability;
- (b) is working for a disability organisation or an organisation with similar purposes to the Association;
- (c) is a parent or carer of a person with a disability;
- (d) is working in the media; or
- (e) can contribute to furthering one or more of the purposes of the Association.

financial year means the year ending on 30 June.

general meeting means a general meeting of members convened in accordance with rule 13.

member means a member of the Association.

Management Committee means the committee established pursuant to rule 38(4).

ordinary member of the committee means a member of the committee who is not an officer of the Association under rule 25.

Public Fund means a public fund as that term has been construed for the purposes of the Tax Act.

Regulations means regulations under the Act.

relevant documents has the same meaning as in the Act.

Statement of Purposes means the statement of purposes as approved by the committee from time to time.

Tax Act means, jointly, the *Income Tax Assessment Act 1936* (Cth) and the *Income Tax Assessment Act 1997* (Cth).

- (2) In these Rules, a reference to the Secretary of an Association is a reference:
- (a) if a person holds office under these Rules as Secretary of the Association - to that person; and
 - (b) in any other case, to the public officer of the Association.

3. PURPOSES OF ASSOCIATION

The purposes of the Association are set out in the Statement of Purposes.

4. ALTERATION OF THE RULES

These Rules and the Statement of Purposes of the Association must not be altered except in accordance with the Act.

5. TRADING

- (1) The Association is authorised to engage in trading in accordance with section 51(4) of the Act.
- (2) In accordance with section 51(6) of the Act, rule 5(1) must not be altered without the consent of the Minister.

6. MEMBERSHIP, ENTRY FEES AND SUBSCRIPTION

- (1) An Eligible Person who applies and is approved for membership as provided in these Rules is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these Rules.
- (2) A person who is not a member of the Association at the time of the incorporation of the Association (or who was a member at that time but has ceased to be a member) must not be admitted to membership unless:
 - (a) he or she is an Eligible Person;
 - (b) he or she applies for membership in accordance with sub-rule (3); and
 - (c) the admission as a member is approved by the committee.
- (3) An application of an Eligible Person for membership of the Association must:
 - (a) be made in writing in the form set out in Appendix 1; and
 - (b) be lodged with the Secretary of the Association.

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- (4) As soon as is practicable after the receipt of an application, the Secretary must refer the application to the committee.
 - (5) The committee must determine whether to approve or reject the application.
 - (6) If the committee approves an application for membership, the Secretary must, as soon as practicable:
 - (a) notify the applicant in writing of the approval for membership; and
 - (b) request payment within 28 days after receipt of the notification of the sum payable under these Rules as the entrance fee and the first year's annual subscription.
 - (7) The Secretary must, within 28 days after receipt of the amounts referred to in sub-rule (6), enter the applicant's name in the register of members.
 - (8) An applicant for membership becomes a member and is entitled to exercise the rights of membership when his or her name is entered in the register of members.
 - (9) If the committee rejects an application, the committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
 - (10) A right, privilege or obligation of a person by reason of membership of the Association:
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon the cessation of membership whether by death or resignation or otherwise.
 - (11) The entrance fee is the relevant amount set out in Appendix 4.
 - (12) The annual subscription is the relevant amount set out in Appendix 4 and is payable in advance on or before 1 July in each year.

7. REGISTER OF MEMBERS

- (1) The Secretary must keep and maintain a register of members containing:
 - (a) the name and address of each member; and
 - (b) the date on which each member's name was entered in the register.
- (2) The register is available for inspection free of charge by any member upon request.
- (3) A member may make a copy of entries in the register.

8. CEASING MEMBERSHIP

- (1) A member of the Association who has paid all moneys due and payable by a member to the Association may resign from the Association by giving one month's notice in writing to the Secretary of his or her intention to resign.

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- (2) After the expiry of the period referred to in sub-rule (1):
- (a) the member ceases to be a member; and
 - (b) the Secretary must record in the register of members the date on which the member ceased to be a member.

9. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS

- (1) Subject to these Rules, if the committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the committee may by resolution:
- (a) suspend that member from membership of the Association for a specified period; or
 - (b) expel that member from the Association.
- (2) A resolution of the committee under sub-rule (1) does not take effect unless:
- (a) at a meeting held in accordance with sub-rule (3), the committee confirms the resolution; and
 - (b) if the member exercises a right of appeal to the Association under this Rule, the Association confirms the resolution in accordance with this Rule.
- (3) A meeting of the committee to confirm or revoke a resolution passed under sub-rule (1) must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-rule (4).
- (4) For the purposes of giving notice in accordance with sub-rule (3), the Secretary must, as soon as practicable, cause to be given to the member a written notice:
- (a) setting out the resolution of the committee and the grounds on which it is based; and
 - (b) stating that the member, or his or her representative, may address the committee at a meeting to be held not earlier than 14 and not later than 28 days after the notice has been given to that member; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that he or she may do one or both of the following:
 - (i) attend that meeting;
 - (ii) give to the committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - (e) informing the member that, if at that meeting, the committee confirms the resolution, he or she may, not later than 48 hours after that meeting, give the

Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.

- (5) At a meeting of the committee to confirm or revoke a resolution passed under sub-rule (1), the committee must:
 - (a) give the member, or his or her representative, an opportunity to be heard; and
 - (b) give due consideration to any written statement submitted by the member; and
 - (c) determine by resolution whether to confirm or to revoke the resolution.
- (6) If at the meeting of the committee, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.
- (7) If the secretary receives a notice under sub-rule (6), he or she must notify the committee and the committee must convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- (8) At a general meeting of the Association convened under sub-rule (7):
 - (a) no business other than the question of the appeal may be conducted; and
 - (b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - (c) the member, or his or her representative, must be given an opportunity to be heard; and
 - (d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (9) A resolution is confirmed if, at the general meeting, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

10. DISPUTES AND MEDIATION

- (1) The grievance procedure set out in this Rule applies to disputes under these Rules between:
 - (a) a member and another member; or
 - (b) a member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

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- (3) If all of the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
 - (4) The mediator must be:
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement:
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
 - (5) A member of the Association can be a mediator.
 - (6) The mediator cannot be a member who is a party to the dispute.
 - (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
 - (8) The mediator, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
 - (9) The mediator must not determine the dispute.
 - (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

11. ANNUAL GENERAL MEETING

- (1) The committee may determine the date, time and place of the annual general meeting of the Association.
- (2) The notice convening the annual general meeting must specify that the meeting is an annual general meeting.
- (3) The ordinary business of the annual general meeting shall be:
 - (a) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting; and

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- (b) to receive from the committee reports upon the transactions of the Association during the last preceding financial year; and
 - (c) to elect officers of the Association and the ordinary members of the committee; and
 - (d) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.
- (4) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

12. SPECIAL GENERAL MEETING

- (1) In addition to the annual general meeting, any other general meetings may be held in the same year.
- (2) All general meetings other than the annual general meeting are special general meetings.
- (3) The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (4) If, but for this sub-rule, more than 15 months would elapse between annual general meetings, the committee must convene a special general meeting before the expiration of that period.
- (5) The committee must, on the request in writing of members representing not less than 5 per cent of the total number of members, convene a special general meeting of the Association.
- (6) The request for a special general meeting must:
- (a) state the objects of the meeting; and
 - (b) be signed by the members requesting the meeting; and
 - (c) be sent to the address of the Secretary.
- (7) If the committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- (8) If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Association to the persons incurring the expenses.

13. SPECIAL BUSINESS

All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

14. NOTICE OF GENERAL MEETINGS

- (1) The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- (2) Notice may be sent:
 - (a) by prepaid post to the address appearing in the register of members; or
 - (b) if the member requests, by facsimile transmission or electronic transmission.
- (3) No business other than that set out in the notice convening the meeting may be conducted at the meeting.
- (4) A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

15. QUORUM AT GENERAL MEETINGS

- (1) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- (2) **Four** members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.
- (3) If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present:
 - (a) in the case of a meeting convened upon the request of members - the meeting must be dissolved; and
 - (b) in any other case - the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 2) shall be a quorum.

16. PRESIDING AT GENERAL MEETINGS

- (1) The President shall preside as Chairperson at each general meeting of the Association.
- (2) If the President is unable to preside, the members present must select one of their number to preside as Chairperson.

17. ADJOURNMENT OF MEETINGS

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 14.
- (4) Except as provided in sub-rule (3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

18. VOTING AT GENERAL MEETINGS

- (1) Upon any question arising at a general meeting of the Association, a member has one vote only.
- (2) All votes shall be given personally or by proxy.
- (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at a general meeting unless all moneys due and payable by the member to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

19. POLL AT GENERAL MEETINGS

- (1) If at a meeting a poll on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

20. MANNER OF DETERMINING WHETHER RESOLUTION CARRIED

If a question arising at a general meeting of the Association is determined on a show of hands:

- (a) a declaration by the Chairperson that a resolution has been:
 - (i) carried; or
 - (ii) carried unanimously; or
 - (iii) carried by a particular majority; or

(iv) lost; and

(b) an entry to that effect in the minute book of the Association:

is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

21. PROXIES

(1) Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

(2) The notice appointing the proxy must be:

(a) for a meeting of the Association convened under rule 9(7), in the form set out in Appendix 2; or

(b) in any other case, in the form set out in Appendix 3.

22. COMMITTEE OF MANAGEMENT

(1) The affairs of the Association shall be managed by the committee of management.

(2) The committee:

(a) shall control and manage the business and affairs of the Association; and

(b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association;

(c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association;

(d) without limiting paragraphs (a) to (c) above, the committee has the power to vary the Schedule of Fees in Appendix 4 from time to time;

(e) may determine procedures providing for:

(i) a person who so applies and meets specified criteria to be designated as a supporter of the Association; and

(ii) an organisation which so applies and meets specified criteria to be designated as an associate member of the Association,

and to be given an appropriate title regarding their relationship, including without limiting the committee's power, "Associate", "Friend" or "Fellow", but a supporter or an associate member is not as such a member of the Association.

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- (3) Subject to section 23 of the Act, the committee will comprise:
- (a) the President;
 - (b) at least 3 ordinary members each of whom has been identified by the committee as being a person with a disability;
 - (c) at least 3 ordinary members each of whom has been identified by the committee as being a person with media expertise; and
 - (d) at least 3 ordinary members each of whom has been identified by the committee as being a person with an interest in the purposes of the Association,

each of whom shall be elected in accordance with rule 27.

23. OFFICE HOLDERS

- (1) The officers of the Association shall be:
 - (a) a President;
 - (b) a Treasurer; and
 - (c) a Secretary.
- (2) Each officer of the Association must be a member of the Association.
- (3) The provisions of rule 27, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices referred to in sub-rule (1).
- (4) Each officer of the Association shall hold office until the third annual general meeting after the date of his or her election but is eligible for re-election.

24. CASUAL VACANCY OF OFFICE

In the event of a casual vacancy in any office referred to in rule 23(1), the committee may appoint a member who is not already a member of the committee to the vacant office. The member so appointed:

- (a) holds that office up to and including the conclusion of the annual general meeting next following the date of the appointment; and
- (b) automatically retires from that office at the next annual general meeting and is eligible for re-election to that office by that general meeting.

25. ORDINARY MEMBERS OF THE COMMITTEE

- (1) Each ordinary member of the committee must be a member of the Association.

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- (2) The provisions of rule 27, so far as they are applicable and with necessary modifications, apply to and in relation to the election of persons referred to in sub-rule (1) as ordinary members of the committee.
 - (3) Subject to sub-rule (4), each ordinary member of the committee shall hold office until the conclusion of the third annual general meeting after the date of his or her election but is eligible for re-election.
 - (4) The terms of the ordinary members of the committee will be as follows:
 - (a) [one ordinary member specified in each of paragraphs (b), (c) and (d) of rule 22(3)(b)] shall hold office until the third annual general meeting after their appointment;
 - (b) [one ordinary member specified in each of paragraphs (b), (c) and (d) of rule 22(3)(b)] shall hold office until the second annual general meeting after their appointment; and
 - (c) the remaining ordinary members shall hold office until the next annual general meeting after their appointment,

as decided by the President but each ordinary member is eligible for re-election.

26. CASUAL VACANCY OF ORDINARY MEMBER OF THE COMMITTEE

- (1) In the event of a casual vacancy occurring in the office of an ordinary member of the committee, the committee may appoint a member who is not already a member of the committee and who, in the case of a casual vacancy occurring in the office of an ordinary member specified in:
 - (a) rule 22(3)(b), has been identified by the committee as being a person with a disability;
 - (b) rule 22(3)(c), has been identified by the committee as being a person with media expertise; and
 - (c) rule 22(3)(d), has been identified by the committee as being a person with an interest in the purposes of the Association,to fill the vacancy.
- (2) The member so appointed:
 - (a) holds that office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment; and
 - (b) automatically retires from that office at the next annual general meeting and is eligible for re-election to that office by that general meeting.

27. ELECTION OF OFFICERS AND ORDINARY COMMITTEE MEMBERS

- (1) Nominations of candidates for election as officers of the Association or as ordinary members of the committee must be:
 - (a) made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the annual general meeting.
- (2) A candidate may only be nominated for one office, or as an ordinary member of the committee, prior to the annual general meeting.
- (3) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (6) The ballot for the election of officers and ordinary members of the committee must be conducted at the annual general meeting in such manner as the committee may direct.

28. VACANCIES

The office of an officer of the Association, or of an ordinary member of the committee, becomes vacant if the officer or member:

- (a) ceases to be a member of the Association; or
- (b) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* (Cth); or
- (c) resigns from office by notice in writing given to the Secretary.

29. MEETINGS OF THE COMMITTEE

- (1) The committee must meet at least 3 times in each year at such place and such times as the committee may determine.
- (2) Special meetings of the committee may be convened by the President or by any 4 members of the committee.

30. NOTICE OF COMMITTEE MEETINGS

- (1) Written notice of each committee meeting must be given to each member of the committee (unless they agree otherwise) at least 2 business days before the date of the meeting.
- (2) Written notice must be given to each member of the committee (unless they agree otherwise) of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

31. QUORUM FOR COMMITTEE MEETINGS

- (1) Any 4 members of the committee constitute a quorum for the conduct of the business of a meeting of the committee.
- (2) No business may be conducted unless a quorum is present.
- (3) If within half an hour of the time appointed for the meeting a quorum is not present:
 - (a) in the case of a special meeting - the meeting lapses.
 - (b) in any other case - the meeting shall stand adjourned to the same place and the same time and day in the following week.
- (4) The committee may act notwithstanding any vacancy on the committee.

32. PRESIDING AT COMMITTEE MEETINGS

At meetings of the committee:

- (a) the President presides; or
- (b) if the President is absent, or is unable to preside, the members present must choose one of their number to preside.

33. VOTING AT COMMITTEE MEETINGS

- (1) Questions arising at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- (2) Each member present at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

34. REMOVAL OF COMMITTEE MEMBER

- (1) The Association in general meeting may, by resolution, remove any member of the committee before the expiration of the member's term of office and appoint another

member in his or her place to hold office until the expiration of the term of the first-mentioned member.

- (2) A member who is the subject of a proposed resolution referred to in sub-rule (1) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (3) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

35. MINUTES OF MEETINGS

The Secretary of the Association must keep minutes of the resolutions and proceedings of each general meeting, and each committee meeting, together with a record of the names of persons present at committee meetings.

36. DELEGATION OF COMMITTEE POWERS

- (1) The committee may delegate any of its powers to a sub-committee.
- (2) The committee may revoke a delegation previously made whether or not the delegation is expressed to be for a specified period.
- (3) A delegation of powers under sub-rule (1) may be made:
 - (a) for a specified period or without specifying a period; and
 - (b) on the terms (including power to further delegate) and subject to any restrictions the committee decides.

A document of delegation may contain the provisions for the protection and convenience of those who deal with the sub-committee that the committee thinks appropriate.

- (4) Subject to the terms on which a power of the committee is delegated to a sub-committee, the meetings and proceedings of the sub-committee is, to the greatest extent practical, governed by these Rules which regulate the meetings and proceedings of the committee.

37. FUNDS

- (1) The Treasurer of the Association must:
 - (a) collect and receive all moneys due to the Association and make all payments authorised by the Association; and
 - (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

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- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the committee.
 - (3) The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the committee determines.
 - (4) The assets and income of the Association will be applied solely in furtherance of its purposes and no portion will be distributed directly or indirectly to the members of the Association except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

38. DISABILITY MEDIA DONATION FUND

- (1) The committee must establish a Public Fund, that will be the gift fund, to be called the "Disability Media Donation Fund" for the purpose of accepting donations, gifts, legacies and bequests to the Disability Media Donation Fund (and any income produced from such donations, gifts, legacies and bequests) for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes.
- (2) The committee must reasonably ensure that the Disability Media Donation Fund does not receive any other donations, gifts, legacies or bequests (or income produced from such donations, gifts, legacies or bequests) for any other purpose into this account.
- (3) All monies and property consisting of donations, gifts, legacies and bequests to the Disability Media Donation Fund (and any income produced from such donations, gifts, legacies and bequests) must be kept separate from the other funds of the Association. The committee and Management Committee must open a bank account and cause financial records to be kept for this purpose.
- (4) The committee must, subject to rule 38(5), establish a management committee for the purpose of managing the income and property of the Disability Media Donation Fund in accordance with the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes.
- (5) The committee must:
 - (a) take reasonable steps to ensure that the Management Committee consists of a minimum of 3 persons;
 - (b) take reasonable steps to ensure that the Management Committee consists of a majority of persons who are deemed to be "responsible persons" by the Department of Communications, Information Technology and the Arts and by the Australian Taxation Office under Taxation Ruling TR 95/27; and
 - (c) develop rules that govern the establishment and operation of the Management Committee.

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- (6) The Management Committee must issue receipts for donations, gifts, legacies and bequests to the Disability Media Donation Fund in the name of the Disability Media Donation Fund as soon as practicable. The receipts must comply with the Tax Act.
 - (7) The Management Committee must invite the public to make donations, gifts, legacies or bequests to the Disability Media Donation Fund for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes.
 - (8) The Management Committee must reasonably ensure that the Disability Media Donation Fund complies with Subdivision 30-F of the Tax Act.
 - (9) The Management Committee must inform the Australian Taxation Office as soon as reasonably possible of any changes to the rules governing the Disability Media Donation Fund as set out in these Rules of Disability Media.
 - (10) Subject to rules 38(11) and 38(12), the Management Committee must apply the income of the Disability Media Donation Fund solely towards the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes. No part of the income of the Disability Media Donation Fund may be paid, transferred or distributed directly or indirectly by way of dividend, bonus or otherwise to the members or committee of the Association or to members of the Management Committee.
 - (11) Rule 38(10) does not prevent the payment of reasonable remuneration to any officer or employee of the Association or to any member of the Association or any member of the Management Committee or other person in return for services actually rendered for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes. In addition rule 38(10) does not prevent the Management Committee paying to a member:
 - (a) interest on money lent by the member to the Association, for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes, at a rate not exceeding the rate charged by Australian banks for overdrawn accounts;
 - (b) reasonable remuneration for goods supplied by the member to the Association in the ordinary course of business, where those goods are supplied for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes; and
 - (c) reasonable rent for premises lent by the member to the Association, for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes.

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- (12) Subject to rule 38(13) the Management Committee must not pay fees or other remuneration to an officer of the Association or member of the Management Committee.
- (13) With the approval of the committee the Management Committee may pay to an officer of the Association or member of the Management Committee:
- (a) reasonable expenses (including travelling and accommodation) incurred in carrying out duties as an officer or member of the Management Committee, for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes;
 - (b) reasonable remuneration for any service rendered by the officer to the Association, for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes;
 - (c) reasonable remuneration where the officer or member of the Management Committee is an employee of the Association and the terms of employment have been approved by the committee and the employment is for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes;
 - (d) interest on money lent by the officer or member of the Management Committee to the Association, for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes, at a rate not exceeding the rate charged by Australian banks for overdrawn accounts;
 - (e) reasonable remuneration for goods supplied by the officer or member of the Management Committee to the Association, in the ordinary course of business for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes; and
 - (f) reasonable rent for premises leased by the officer or member of the Management Committee to the Association for the purposes of the Association that are for the promotion of a range of media including television, video, film, print and radio, and of performing arts, visual art and literature in those media, in accordance with the purposes.
- (14) If the Disability Media Donation Fund is wound up or the Association ceases to be endorsed as a deductible gift recipient under Subdivision 30-BA of the Tax Act, any surplus assets of the Disability Media Donation Fund remaining after the payment of liabilities attributable to them shall be transferred to another public fund with similar objectives which has been entered on the register of cultural organisations under s30-305 of the Tax Act and to which income tax deductible gifts can be made. In selecting a public fund, preference is to be given to cultural organisations working with people with disabilities.

39. REGISTER OF CULTURAL ORGANISATIONS RULES

- (1) The Association must inform the Commonwealth Department of Communications, Information Technology and the Arts within 30 days if:
 - (a) the Association changes its contact details, including the person to whom correspondence should be forwarded;
 - (b) the Association changes these Rules, the Statement of Purposes or other governing documents (including the governing documents of the Disability Media Donation Fund);
 - (c) there is any change to the office bearers or Board of the Association or membership of the Management Committee of the Disability Media Donation Fund; and
 - (d) grants, scholarships or prizes are introduced, providing details of the selection process used to choose recipients.
- (2) The Association must inform the Commonwealth Department of Communications, Information Technology and the Arts as soon as reasonably possible if the Association, or the Disability Media Donation Fund, is wound up, or in the process of winding up. Notification must be accompanied with a request to be removed from the Register of Cultural Organisations.
- (3) The Association must comply with any rules, notice of which has been provided to the Association at its registered address, that the Minister for the Commonwealth Department of Communications and the Arts and the Commonwealth Treasurer may make to ensure that gifts made to the Disability Media Donation Fund are only used for the principal activity of the Association.
- (4) Any allocation of funds or property to other persons or charities by the Association or the Management Committee must be made in accordance with the established activities of the Association and not be influenced by the preference of the donor.
- (5) The Association must provide to the Commonwealth Department of Communications, Information Technology and the Arts statistical information on tax deductible donations to the Disability Media Donation Fund within 21 days of the end of each six-monthly period January - June and July – December in the approved form (including if there were no donations, in which case advice by phone, fax or email is acceptable).
- (6) The Association must participate in a review of eligibility of organisations as required by the Department of Communications, Information Technology and the Arts.

40. SEAL

- (1) The common seal of the Association must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of

two members of the committee or, of one member of the committee and of the public officer of the Association.

41. NOTICE TO MEMBERS

Except for the requirement in rule 14, any notice that is required to be given to a member, by or on behalf of the Association, under these Rules may be given by:

- (a) delivering the notice to the member personally; or
- (b) sending it by prepaid post addressed to the member at that member's address shown in the register of members; or
- (c) facsimile transmission, if the member has requested that the notice be given to him or her in this manner; or
- (d) electronic transmission, if the member has requested that the notice be given to him or her in this manner.

42. WINDING UP

- (1) The Association may be wound up voluntarily by special resolution at a general meeting.
- (2) In the event of the winding up or the cancellation of the incorporation of the Association:
 - (a) the assets of the Association must not be distributed otherwise than for a charitable purpose; and
 - (b) any surplus assets shall be transferred only to an organisation which is a deductible gift recipient in accordance with one of the categories set out in Division 30 of the *Income Tax Assessment Act 1997* (Cth) and has similar purposes to the Association and is not carried on for the profit or gain of its individual members.
- (3) In accordance with section 51(6) of the Act, rule 42(2)(a) must not be altered without the consent of the Minister, if the Rule as altered would be inconsistent with section 51(4)(a)(ii) of the Act.

43. ACCOUNTING RECORDS AND AUDIT

- (1) For every financial year that the Association is a prescribed association as defined under the Act, the Committee must cause the Association to maintain adequate and accurate accounting records of its financial transactions for that financial year and must keep those records for a period of 7 years after the transactions to which they relate.
- (2) After the end of every financial year that the Association is a prescribed association as defined under the Act, the Committee must cause the Association's financial records for that financial year to be audited, as required under the Act. The eligibility and appointment of the auditor are regulated by section 30B of the Act.

44. CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- (1) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.
- (2) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.
- (3) A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

APPENDIX 1

APPLICATION FOR MEMBERSHIP OF DISABILITY MEDIA INCORPORATED

I, [*full name of applicant*] of [*address*], [*occupation*] desire to become a member of Disability Media Incorporated.

In the event of my admission as a member, I agree to be bound by the Rules of the Association for the time being in force.

Signature of Applicant

Date

I [*name*], a member of the Association, nominate the applicant, who is personally known to me, for membership of the Association.

Signature of Proposer

Date

I, [*name*], a member of the Association, second the nomination of the applicant, who is personally known to me, for membership of the Association.

Signature of Secunder

Date

APPENDIX 2

**FORM OF APPOINTMENT OF PROXY FOR MEETING OF ASSOCIATION CONVENED
UNDER RULE 9(7))**

I [*name*] of [*address*]

being a member of Disability Media Incorporated,

appoint [*name of proxy holder*] of [*address of proxy holder*]

being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the
meeting to the general meeting of the Association convened under Rule 9(7), to be held on [*date of
meeting*] and at any adjournment of that meeting.

I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution
[*insert details of resolution passed under Rule 9(1)*].

Signed:

Date:

APPENDIX 3
FORM OF APPOINTMENT OF PROXY

I [*name*] of [*address*]

being a member of Disability Media Incorporated appoint [*name of proxy holder*] of [*address of proxy holder*]

being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the annual/special* general meeting of the Association to be held on [*date of meeting*] and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against* the following resolution [*insert details of resolution*].

Signed

Date

*delete if not applicable.

APPENDIX 4
SCHEDULE OF FEES

FEE	AMOUNT
Entrance fee	
Annual subscription fee	