



**INTERNATIONAL AMATEUR RADIO UNION**

**CONTITUTION**

# THE CONSTITUTION OF THE INTERNATIONAL AMATEUR RADIO UNION REGION 3

6th Revision – August 1993

Prepared by: The Secretary, IARU Region 3

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## **Name**

1. The name of the organisation shall be the International Amateur Radio Union Region 3 herein called "IARU Region 3."

## **Object and Activities**

2. The object of IARU Region 3 is to promote, represent and advance in whatsoever manner IARU Region 3 thinks fit, the interest of Radio Amateurs in all countries of Region 3 of the International Telecommunications Union (and without limiting the generality of the foregoing) by the furtherance of the objects of the International Amateur Radio Union and having regard to the special interest of radio amateurs in Asia and Oceania which interests are to protect and enhance radio amateur privileges in all of the countries in the Region, to encourage an awareness of the value of radio amateurs by the administrations of all the countries in the Region, to educate and encourage potential radio amateurs in all of the countries of the Region, to represent radio amateurs both nationally and internationally, and to protect and retain amateur radio frequency allocation as frequencies allocated for the sole use of radio amateurs and provided always shall exercise its powers in support of IARU and not in substitution for the exercise of power by IARU.

## **Interpretation**

3. Words importing the singular number only include the plural number and vice versa and words importing the masculine gender only include the feminine gender and the neutral gender. Words importing persons shall include corporations. Heading and marginal notes are inserted for ease of reference only and do not form part of this Constitution and shall not affect the construction thereof.

## **MEMBERSHIP**

### **Members**

4. The existing members of IARU Region 3 are those organisations of Radio Amateurs within or having territory within Region 3 that are members of IARU that are represented by delegates at the Conference of IARU Region 3 held in Tokyo in March 1971.

### **Qualification for Membership**

5. Any national amateur radio society within Region 3 or that has members in its territory in Region 3 that is a member of the IARU shall be qualified to apply for admission as a member of IARU Region 3.

### **Application for Membership**

6. The Secretary shall give notice of such application to all members.

### **Admission**

7. Upon the giving of the notice referred to in 6 the applicant shall thereupon become a member.

### **Resignation**

8. Any member Society may give one calendar month's notice of its intention to resign from IARU Region 3 and at the expiration of that time unless such notice shall in the meantime have been revoked such Society shall cease to be a member of IARU Region 3.

### **Former Member Remain Liable**

9. Any member whose membership ceases in any manner shall remain liable to IARU Region 3 for all fees, subscriptions, levies, interest and other moneys due prior to the date of such termination and shall have no interest in the assets of IARU Region 3.

### **Effect of Cessation of IARU Membership**

10. If any member ceases to be a member of IARU of which a statement of such fact signed by the Secretary of IARU shall be final and conclusive it shall thereupon cease to be a member of IARU Region 3.

## **LIAISON OFFICER**

### **Liaison Officer**

11. Each member Society shall at all times be represented by a Liaison Officer whose appointment shall be notified to the Secretary in writing. Each Liaison Officer so appointed shall as far as possible be a radio amateur and a member in good standing with the member Society represented.

### **Duties of Liaison Officer**

12. Other than at a Conference, all views of a member Society shall be presented by its Liaison Officer and all correspondence to a member Society shall be directed to the Liaison Officer. He shall notify the Secretary of the vote of his Society on any matter submitted for the vote of member Societies.

## **CONFERENCE**

### **Conference**

13. The Conference shall be the supreme authority of IARU Region 3. An IARU Region 3 Conference shall be held not less than two years and a half or not more than three years and a half after the last Conference in the country of one of the member Societies as and when a Conference so resolves or failing such resolution as decided by the directors. Each member Society shall receive at least six months' calendar notice of a Conference. Detailed guidance for the conduct of Conference is given in the General Regulations appended hereto.

### **Delegate to Conference**

14. Each member Society shall be entitled to appoint one delegate who shall, as far as possible, be a radio amateur and a member in good standing with the Society represented, and observers who may speak with the leave of their delegate to attend Region 3 conferences each of whom will lodge with the Secretary at the commencement of the Conference a letter or facsimile letter of appointment signed by two responsible officers of the Society concerned. In addition, the Conference may admit to any Conference any person, who shall have the right to speak, if the Conference considers that the presence of that person will either assist the Conference or advance the objectives of IARU Region 3, provided however that any such person shall have no right to vote. Each member Society that has paid all its subscriptions then due shall have one vote at plenary meetings. All costs of delegates shall be borne by the member Society they represent.

**Directors not to Represent Member**

15. No director or the Secretary shall act as a delegate, observer or proxy for any member but each director and the Secretary shall have the right to speak at a Conference.

**Chairman**

16. At the first plenary meeting of each Region 3 Conference the members represented in person or by proxy shall elect Chairman.

**Proxies**

17A. A member Society may appoint:

(a) a delegate to a Conference, or

(b) any other person who is not a director, the Secretary or an observer,

to vote as its proxy on its behalf during such time as it is not represented by a delegate at a Conference.

The person so appointed as proxy shall as far as possible be a radio amateur holding full voting privileges in a member Society.

17B. No person who is not a delegate shall exercise more than one proxy vote at a Conference.

17C. No delegate shall exercise more than one proxy vote at a Conference in addition to the vote of his own Society.

**Notification of Proxy**

18. An appointment of proxy shall be notified by letter or facsimile letter before or during a Conference signed by two responsible officers of the Society concerned addressed to the Secretary and to the person appointed.

**Proceedings**

19. Every resolution shall require only a simple majority to be carried. In a case of an equality of votes the motion shall be lost. The Chairman if a delegate of a member shall have a deliberative vote but no casting vote.

**Manner of Voting**

20. Every question submitted to a Conference shall be decided by a show of hands or, if required by any delegate, by secret ballot.

### **Minutes**

21. A declaration by the Chairman that a resolution has been passed or lost and an entry to that effect in the Minute Book signed by the Chairman of that or the next succeeding Conference shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded.

### **Disputed Votes**

22. No objection shall be made to the validity of any vote except at the Conference at which the vote was tendered and every vote not disallowed at such Conference shall be deemed valid. In the case of any dispute as to the admission or rejection of a vote the Chairman of the Conference shall determine the same and such determination if made in good faith shall be final and conclusive.

### **Subscription**

23. On or before the First day of June in each year each member Society shall pay a subscription to IARU Region 3.

### **How Computed**

24. Subscription payable by each member Society shall be fixed by the Conference. However, either the Conference or the Directors may either waive the subscription of any Society or accept a lesser subscription.

### **Additional Payment**

25. Any Society may at its option also voluntarily elect to contribute an amount more than that specified above.

## **REGULATIONS**

### **Conference may make Regulations**

26. A Conference may from time to time make regulations not inconsistent with this Constitution dealing with any matter not covered by this Constitution. Such regulations shall be binding upon each member Society and the Directors.

### **Directors**

27. Subject to a Conference, the functions, powers and management of IARU Region 3 shall be vested in five Directors, the members of which shall be appointed by a Conference and who together shall be called the Directors, and who shall be answerable to the Conference.

### **Chairman**

27A. Before the close of each Conference the Directors appointed by that Conference shall meet and nominate to the Conference one of their numbers as Chairman. The Conference shall consider that nomination and if it thinks fit shall elect that Director as Chairman. He shall hold office until the fourteenth day of the month following the conclusion of the next Conference. If the Chairman ceases to be a Director, pursuant to Clause 30, he shall thereupon cease to be Chairman, and the other Directors may appoint another Director as Chairman. The Chairman shall act as Chairman of all Directors meetings at which he is present.

27B. The Chairman is responsible for the overall supervision of all Region 3 matters and shall be the official spokesman for the Region.

### **Period of Office**

28. The period of office of the Directors shall commence on the Fifteenth day of the month following the conclusion of the Conference at which they were appointed and shall end on the Fourteenth day of the month following the conclusion of the next Conference.

### **Qualifications of Directors**

29. Only a member of a member Society with full voting privileges in a Society nominated by the delegation of a member Society shall be eligible to be appointed as a Director and only one such Director shall be appointed from any one member Society. A delegate or observer may be appointed a Director.

### **Vacation of Office of Directors**

30. The office of a Director shall ipso facto be vacated -

- (a) if he resigns his office by notice in writing delivered to the Secretary, or
- (b) if he dies, becomes lunatic or of unsound mind or otherwise becomes incapable of carrying out his duties, or
- (c) if he ceases to be a member of a member Society.

### **Casual Vacancies**

31. If a person ceases to be a Director pursuant to Clause 30 then the other Directors may at their discretion fill that vacancy subject to Clause 29. A person so appointed to fill a vacancy shall then hold office until the Fourteenth day of the month following the conclusion of the next Conference.

### **Function of Directors**

32. The Directors shall be responsible for determining all matters of policy but shall be bound by all decisions made by a Conference. The costs of travel and accommodation of Directors incurred in the performance of their duties shall be borne by IARU Region 3 if so requested by the Directors incurring the same.

### **Quorum of Directors**

33. A quorum for a meeting of the Directors shall be three.

### **Proceeding at Meetings**

34. Every resolution at a meeting of the Directors shall require only a simple majority though in the case of an equality of votes the motion shall be deemed to have been lost.

### **Time for Meeting**

35. Save as otherwise provided Meetings of the Directors shall be conducted when and as they shall determine provided that one month's written notice of each meeting shall be given to each Director.

### **Postal Ballot of Directors**

36. A proposal may be submitted to the Directors for decision by postal ballot. A proposal may be originated by a member Society through its liaison officer or by a Director. Each Director shall by letter or facsimile letter addressed to the Secretary vote either for or against the proposal. To be passed a resolution shall require not less than three affirmative votes.



**Effect of Resolution Passed by Postal Ballot**

37. A resolution passed by postal ballot of the Directors shall be as valid and effectual as resolution duly passed at a meeting of the Directors.

**Result of Postal Ballot**

38. The Secretary shall give each member Society by its liaison officer and each Director notice of the result of all proposals submitted to postal ballot of the Directors.

**Appointment of Correspondents**

38A. If the Directors consider it to be useful for the advancement of the objects of IARU Region 3, the Directors may from time to time appoint any person or groups of persons as a Correspondent or Correspondents of IARU Region 3. No Correspondent shall be appointed from any country in which there is a society that is a member of the IARU.

**Rights and Duties of Correspondents**

38B. A Correspondent shall be entitled to receive all information distributed to the members, and shall submit a report to each Conference.

**Removal of Correspondents**

38C. The office of Correspondent shall be vacated if

- (a) he is removed by the Directors, or
- (b) a Society from the country from which the Correspondent was appointed is elected to membership in the IARU.

**DISSENT**

**Dissent**

39. A member Society may at any time give notice in writing to the Secretary that it dissents from any resolution of the Directors which express or determine the policy of IARU Region 3 and such member shall thereupon cease to be bound thereby. No such dissent from a resolution shall otherwise affect the validity of the resolution.

## **SECRETARY**

### **Appointment of Secretary**

40. The Conference shall, with the agreement of a member Society, appoint a Secretary from that Society which shall give its support to the Secretary.

### **Replacement of Secretary**

41. If the Secretary resigns, dies, or is removed from office by a vote of at least three of the Directors, or becomes incapable of remaining the Secretary, the Directors shall appoint another Secretary nominated by his Society.

### **Duties of Secretary**

42. The Secretary shall be responsible for the routine administration of IARU Region 3 and all funds of IARU Region 3 shall also be under his control. He shall as required by the Directors attend all meetings of the Directors and all Conferences and shall keep or cause to be kept Minutes thereof and shall prepare and sign all notices and other documents required to be given or sent by IARU Region 3 and shall have such further and other powers and duties as are imposed by this Constitution or are conferred or imposed upon him by any Conference or by the Directors.

### **Secretariat to Assist Secretary**

43. The Secretary may from time to time appoint one or more persons to assist him either generally or in relation to specific matters. Together with the Secretary these persons shall constitute the Secretariat. The members of the Secretariat so appointed shall at all times be answerable to and under the direction of the Secretary.

## **FUNDS**

### **Funds**

44. Expenditure shall be authorised by the Directors.

### **Bank Account**

45. All moneys for the time being under the control of the Secretary shall be placed on current or other account in such one or more bank or banks and in such one or more name or names as the Directors may from time to time determine.

### **Cheques, Bills**

46. Cheques, Bills of Exchange and Promissory Notes shall be signed, drawn, accepted, made or endorsed as the case may be for and on behalf of IARU Region 3 in such manner as the Directors may from time to time determine.

### **Receipts**

47. The Secretary shall give a signed receipt for every payment made to IARU Region 3. Such a receipt shall constitute a full discharge for any payment made. The Secretary shall forthwith on receipt thereof pay all monies and securities for monies from time to time received by him into the current account or accounts of IARU Region 3.

### **Books**

48. Proper books of account shall be kept by the Secretary in such form as is specified by the Directors. The said books of account shall be open to inspection by members at any time and the Secretary shall at least once in every year prepare and submit to member Societies a balance sheet and an annual statement showing receipts and expenditure, and in respect of the financial year ending 31 May 1993 and in each year thereafter, a report from independent public accountants who have audited the books and accounts of IARU Region 3.

### **Financial Year**

49. The financial year of IARU Region 3 shall commence on the 1st June and end on the 31st May.

**Indemnity of Directors**

50. Every Director and each member of the Secretariat and any other officer of IARU Region 3 shall be indemnified out of the funds of IARU Region 3 and it shall be the duty of the Secretary out of such funds to pay all costs, charges, losses, damages and expenses which they shall respectively incur or be put to in the execution of their respective offices which by reason of or on account of any contract, deed, matter or thing done, committed, entered into or executed by them respectively on behalf of or with the ratification of the Directors. Any such person shall be chargeable only for so much money as he actually receives and shall not be answerable for any other person with whom or into whose hands any property or money of IARU Region 3 may be deposited or come nor for the insufficiency of the title to any real or personal property purchased by authority of the Directors on behalf of IARU Region 3 nor for the insufficiency of any security upon which any funds of IARU Region 3 are invested by authority of the Directors nor for any loss or damage which may happen through the exercise of their respective offices unless the same happens through his own wilful neglect or wilful misconduct.

## **GENERAL PROVISION**

### **Language**

51. The official language of IARU Region 3 shall be the English language and all documents shall be in the English language, or accompanied by a certified translation into the English language.

### **Winding Up**

52. IARU Region 3 shall be wound up if the number of financial member Societies becomes less than two or if a Conference by simple majority so resolves.

### **Funds on Winding Up**

53. In the event of IARU Region 3 being wound up the Secretary shall pay to each Society that has been a financial member of IARU Region 3 within twenty-four months of the date of IARU Region 3 being so wound up such amount of the balance of the funds of IARU Region 3 after meeting all costs and expenses as is proportionate to that Society's contribution thereto.

### **To Whom Payable**

54. If the Society to which any sum is payable pursuant to Clause 53 appears to the Secretary to be no longer in existence then the Secretary may pay such sum to such organisation as is nominated by the Diplomatic Representatives of the country of that Society as most nearly having the same objects as the said Society.

### **Non Interference with Internal Affairs**

55. Neither a Conference nor the Directors will take any decision contrary to the Constitution of IARU nor will they intervene in the internal affairs of any member Society.

## **AMENDMENTS**

### **Amendments**

56. Subject to the giving to each member Society of forty days' written notice prior to a Conference this Constitution may be amended by a Conference in accordance with such written notice by a simple majority of those present or voting by proxy, or if written notice is not given as aforesaid, this Constitution may be amended by a Conference, if not less than three-fourths of those present vote in favour of any amendment proposed.

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### Amendments List

Amendment No.	Clause	Change or Addition	Authority (Conference at)
1.	14	The following sentence has been added after the first sentence. “In addition the Conference may admit to any Conference any person, who shall have the right to speak if the Conference considers that the presence of that person will either assist the Conference or advance the objectives of the Association. Provided however that any such person shall have no right to vote.”	3 <sup>rd</sup> Hong Kong 1975
2.	24	The last sentence has been altered to read as follows: “However, either the Conference or the Directors may either waive the subscription of any society or accept a lesser subscription.”	Do.
3.	38A 38B 38C	A new sub-heading concerning Correspondents and three new clauses have been added.	Do.
4.	41	The clause has been amended by the addition of the following after the word “dies” in the first line. “..... or is removed from office by the vote of at least three of the four Directors .....”	Do.
5.	56	The clause has been amended by addition of the following words after the word “proxy”. “..... or if written notice is not given as aforesaid, this Constitution may be amended by a conference, if not less than three-fourths of those present vote in favour of any amendment proposed.”	Do.
6.	40	The clause has been amended by deleting the words “from which a Director has been elected”.	4 <sup>th</sup> Bangkok 1978
7.	24	The clause has been amended by deleting the first two sentences and inserting instead: “The subscription payable by each member society shall be fixed by the Conference.” The last sentence to remain unchanged.	5 <sup>th</sup> Manila 1982
8.	27	In the clause, for the phrase “four Directors” shall be substituted for the phrase “five Directors”.	Do.

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9.	27A	The following new clause 27A has been inserted. “Before the close of each Conference the Directors appointed by that Conference shall meet and nominate to the Conference one of their numbers as Chairman. The Conference shall consider that nomination and if it thinks fit shall elect that Director as Chairman of the Directors, who shall hold office until the Fourteenth day of the month following the conclusion of the next Conference. If the Chairman ceases to be a Director, pursuant to Clause 30, he shall thereupon cease to be Chairman, and the other Directors may appoint another Director as Chairman. The Chairman shall act as Chairman of all Directors' meetings at which he is present.”	Do.
10.	41	In the clause, the word “four” has been deleted.	Do.
11.	7	The clause has been changed to read: “Upon the giving of the notice referred to in 6 the applicant shall thereupon become a member.”	6 <sup>th</sup> Auckland 1985
12.	13	The clause has been changed to read: “The Conference shall be the supreme authority of IARU Region 3. An IARU Region 3 Conference shall be held not less than two years and a half or not more than three years and a half after the last conference in the country of one of the member societies as and when a conference so resolves or failing such resolution as decided by the Directors. Each member society shall receive at least six months' calendar notice of a conference.”	Do.
13.	15	The clause has been changed by deleting the words “No Directors” and inserting in lieu thereof “No Directors or the Secretary”, and after the words “but each Director” inserting the words “and the Secretary.”	7 <sup>th</sup> Seoul 1988
14.	17A 17B 17C	The clause 17 has been deleted and the following new clauses, 17A, 17B and 17C have been added: “17A. A member Society may appoint: a delegate to a conference, or any other person who is not a Director, the Secretary or an observer, to vote as its proxy on its behalf during such time as it is not represented by a delegate at a conference. 17B. No person who is not a delegate shall exercise more than one proxy vote at a conference. 17C. No delegate shall exercise more than one proxy vote at a conference in addition to the vote of his own Society.”	Do.
15.	18	The clause 18 has been changed to read: “A proxy shall be notified by letter, telex or telegram before or during a conference signed by a responsible officer of the Society concerned addressed to the Secretary and to the person appointed.”	Do.
16.	Full text	The words “the Association” are changed to “IARU Region 3” wherever it appears in the full text of the	8 <sup>th</sup> Bandung 1991



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		Constitution.	
17.	1	The word "Association" was crossed out.	Do.
18.	11	The following second sentence is added: "Each Liaison Officer so appointed shall as far as possible be a radio amateur and a member in good standing with the member Society represented."	Do.
19.	12	The word "at" is inserted editorially just before the words "a conference".	Do.
20.	13	The following fourth sentence is added: "Detailed guidance for the conduct of conference is given in the General Regulations appended hereto."	Do.
21.	14	The underlined parts of the first part of the clause are amended to read: "Delegate to Conference 14. Each member Society shall be entitled to appoint one delegate who shall, as far as possible, be a radio amateur and a member in good standing with the Society represented, and observers who may speak with the leave of their delegate to attend Region 3 conferences each of whom will lodge with the Secretary at the commencement of the Conference a letter or facsimile letter of appointment signed by two responsible officers of the Society concerned. In addition, the Conference....."	Do.
22.	15	The words "No Directors" is changed to "No Director."	Do.
23.	17A	At the end of the Clause, the following sentence is added: "The person so appointed as proxy shall as far as possible be a radio amateur holding full voting privileges in a member Society."	Do.
24.	18	The underlined parts are amended to read: "An appointment of proxy shall be notified by letter or facsimile letter before or during a conference signed by two responsible officers of the society concerned addressed to the Secretary and to the person appointed."	Do.
25.	27A	The words "of the Directors" in the second sentence are crossed out, and that sentence is ended there. Also, the word "who" in the same sentence is substituted by "He."	Do.
26.	27B	The following new Clause is created as 27B. "27B. The Chairman is responsible for the overall supervision of all Region 3 matters and shall be the official spokesman for the Region."	Do.
27.	36	In the third sentence, the words "or facsimile letter" is inserted immediately after the word "letter."	Do.
28.	48	In the second sentence, the following new phrases are added immediately after the word "expenditure": "..... and in respect of the financial year ending 31 May 1993 and in each year thereafter, a report from independent public accountants who have audited the books and accounts of IARU Region 3."	Do.