

**RULES AND CONSTITUTION OF  
KELAB RADIO AMATOR BORNEO, SABAH  
(BORNEO AMATEUR RADIO CLUB, SABAH) (BARC)**

RULE 1 NAME AND REGISTERED ADDRESS

( a ) The Society shall be known as Kelab Radio Amator Borneo, Sabah (BORNEO AMATEUR RADIO CLUB, SABAH) **or** BARC hereinafter referred to **as** 'the Club'.

( b ) Its registered address of the **Club** shall be at:

**Club House,  
Bukit Sierra, Off Jalan Bukit Padang,  
Luyang, 89500 Kota Kinabalu,  
SABAH, Malaysia.**

( c ) The registered **postal** address of the Club is:

**P.O. Box 20469, 88761 Luyang,  
Kota Kinabalu, Sabah,  
Malaysia**

and shall not be changed without the prior approval of the Registrar of Societies.

RULE 2 AIMS AND OBJECTIVES

The aims and objects of the Club shall be as follows:

( a ) To promote the general advancement of Radio Communication science.

( b ) To ensure that members (licensed transmitting members and short wave listener) are given proper guidance and training as to produce good / quality Amateur Radio Operators.

( c ) To provide training equipment hereinafter referred to as Radio Communication Equipment where necessary, at the Club premises for the purpose of training short wave listeners.

( d ) To assist the Government, in times of National disaster or as and when needed in the field of Radio Communication.

( e ) To affiliate with other Amateur Radio Clubs, association or societies around the world with similar objectives as may be desirable.

( f ) To enter into negotiations with the Malaysian Government in all matters affecting the terms of licenses issued to its member and the Radio frequency spectrum allotted for the Amateur Radio World Wide.

**(g) To accept from the Government, purchase, take on lease or in exchange or otherwise occupy or acquire any land or building which may be essential for the purpose of or conveniently in connection with any of the objects of the Club, and to lease, sell, charge, give in exchange or dispose of the same or any part thereof.**

**(h) To invest and deal with the monies of the Club not immediately required upon such securities, trust funds, and other legal investment**

**vehicle approved by the government and in such manner as may from time to time be determined provided what whatever profit accrued from the investment shall be channeled back to the Club fund for the furtherance of its objectives and shall not be paid as bonuses or dividends to its members.**

- (i) To borrow or raise and give security for money by the issue of and upon bonds, debenture stocks, bills of exchange, promissory notes or other securities of the Club or by charge upon all or any part of the property of the Club or otherwise howsoever.**
- (j) To collect funds, contributions and donations from the public, individual or organization for the purpose of funding the activities and objects of the Club and to generate funds for the Club subject to prior approval from the Registrar of Societies, Chief Minister's Department of Sabah as well as other relevant and approving authorities; and**
- (k) To subscribe or contribute to charitable, religious, patriotic and other deserving objects.**

RULE 3 MEMBERSHIP

- (a) The membership of the Club shall be open to all persons residing in Sabah above the age of eighteen years, irrespective of sex, race, language or nationality.
- (b) Every application for membership shall be proposed and seconded by one or more existing members and shall be forwarded to the Secretary who shall at the first convenient opportunity, submit it to the Committee for approval. The Committee may at its discretion reject any application without assigning any reason thereof.
- (c) Every applicant whose application has been approved as aforesaid shall, upon payment of the prescribed entrance fee, **the two years subscription and membership card**, be admitted as a member of the Club and shall be entitled to all the privileges of membership.
- (d) Before each application can be approved by the Committee, such applicant's application shall be posted on the Club premises Notice Board for a period of 14 days, for the purpose of the general information of its existing members. Members will have the privilege to object to such applicant giving good reason or reasons. If any such objection arises from the members, it should be submitted to the Secretary in confidence within the 14 days. The Committee however shall reserve the right to accept such objection or otherwise.
- (e) The number of members shall be unlimited.
- (f) Member shall be classified into four classes
  - (i) Transmitting Member
  - (ii) Short Wave Listener Member
  - (iii) Honorary Member
  - (iv) Life Member

RULE 3A DEFINITION OF CATEGORIES

(i) TRANSMITTING MEMBER

Candidates to be eligible for elections transmitting member must hold a current valid Amateur Radio transmitting license issued by the licensing authority of Malaysia.

(ii) SHORT WAVE LISTENER

Candidates who do not fulfill the foregoing condition, but are interested in the science of Radio Communication are eligible for Short Wave Listener Member and to enjoy the full facilities offered by the Club. Short Wave Listener Members shall have one representative who is a short wave listener, elected to the Committee with full voting rights. Short Wave Listener Member shall not be permitted to operate radio transmitters except in the presence and under direct control of another licensed Amateur Radio operator. Short Wave Listener Member shall have the right to vote in the Club and be eligible to hold one office in the Committee, as Director of Short Wave Listener affair.

(iii) HONORARY MEMBER

The Club, may from time to time, appoint honorary member and such person who has rendered acknowledged service in the field of Radio Communication in general and to the Club in particular, provided that such member shall have no right to vote in the Club and shall not be permitted to transmit unless licensed by the authority.

(iv) LIFE MEMBER

Transmitting member who made one time lump sum payment to the club and enjoy all the privileges of transmitting member. Life member must hold a current valid Amateur Radio transmitting license issued by the licensing authority of Malaysia to transmit.

(g) The right and privileges of every member of any class shall not be transferable.

**(h) Non-Sabahan residence shall be allowed to become Honorary member of the Club.**

RULE 4 ENTRANCE FEES, SUBSCRIPTIONS AND OTHER DUES

(a) The entrance fee and subscription payable shall be as follows:-

(i) Transmitting Member

Entrance Fee	RM40.00
Yearly Subscription	RM60.00
Membership card every 2 years	RM20.00

(ii) Short Wave Listener

Entrance Fee	RM40.00
Yearly Subscription	RM30.00
Membership card every 2 years	RM20.00

(iii) Associate Member

No fee payable

(iv) Life Member

Life time Entrance and Subscription	RM1,200.00
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(b) Membership card is issued to each member once in two years. The committee shall decide on the actual calendar year to which the membership card is valid.

(c) Yearly subscription shall be payable within the first three months of the years in question. Upon payment a membership card shall be issued with a validity of two years.

- (d) Any member who does not settle his membership fee as in clause (c) shall not be issued membership card. Member who does not have a valid membership card shall cease to enjoy the privileges of a member.
- (e) Any member who does not renew his membership after two years shall automatically cease to be a member of the Club. The Committee shall have the power to fix a reentrance fee for any person who has allowed his membership to lapse more than two years.
- (f) Special subscriptions or levies for particular purposes may be raised from members by resolution of the general meeting of the Club. If any member fails to pay such subscriptions within such period as may be resolved; the amount due shall be treated in the same way as arrears of yearly subscription.

RULE 5 RESIGNATION AND EXPULSION

- (a) Any member who wishes to resign from the club shall give two weeks notice in writing to the Secretary and shall pay up all dues.
- (b) Any member who fails to comply with the rules of the Club or has acted in a manner to bring disrepute upon the Club may be expelled or suspended for a period of time as the Committee deems fit. Any member so expelled shall not be entitled to have returned to him monies paid by him as subscription or otherwise.
- (c) On motion of expulsion at least 2/3 of the Committee shall vote and unless 5 vote in favor, the motion shall be lost. Before the Committee expels or suspends the member, the member shall be informed of the grounds for such expulsion or suspension in writing and be given an opportunity to explain and absolved himself in person. Such suspension or expulsion shall be enforced, unless otherwise reversed by a general meeting upon appeal by the said member.

RULE 6 GENERAL MEETING

- (a) The supreme authority of the Club is vested in a general meeting of the member. At least one half of the total voting membership the Club or twice the total number of members of the Committee, whichever is the lesser must be present at a general meeting for its proceedings to be valid and to constitute a quorum.
- (b) If half an hour after the time appointed for the meeting a quorum is not present, the meeting shall be postponed to a date (not exceeding 30 days) to be decided by the Committee; and if a quorum is not present half an hour after the time appointed for the postponed meeting, the member present shall carry on with the business of the day but they shall not have the power to alter the rules of the Club or to make decisions affecting the whole membership.
- (c) An Annual General Meeting of the Club shall be held as soon as possible after the close of each financial year but not later than 31st March on a date and at a time and place to be decided by the Committee. The business of the Annual General Meeting shall be:-
  - (i) To receive the Committee's report on the working of the Club during the previous year.
  - (ii) To receive the Treasurer's report and the audited accounts of the Club for the previous year,
  - (iii) To elect a Committee and to appoint auditors **once in two years (one term)**, and

- (iv) To deal with such other matters as may be put before it.
- (d) A preliminary notice of the Annual General Meeting stating the date, the time and the place, and calling for motions for discussion, motions for amendment of the Rules and nomination for the election of the Committee **during the election year** shall be sent by the Secretary to all members not later than 30 days before the date fixed for the meeting, and this notice shall also be prominently displayed at the registered address or place of meeting of the Club.
- (e) Nominations for the election of officers (**if any**) and motions for discussion at the meeting must be sent to reach the Secretary not later than 7 days after the receipt of the preliminary notice.
- (f) The Secretary shall send to all members at least 7 days before the meeting and agenda including copies of minutes and reports, motions and nominations for the election of officers (**if any**), together with the audited accounts of the Club for the previous year. Copies of these documents will also be made available at the registered address or place of meeting of the Club for the perusal of members.
- (g) An extraordinary general meeting of the Club shall be convened;
  - (i) whenever the Committee deems it desirable, or
  - (ii) At the joint request in writing of not less than twenty members, stating the objects and reasons for such meeting.
- (h) An extraordinary general meeting requisitioned by members shall be convened for a date within thirty days of receipt of such requisition.
- (i) Notice and agenda for an extraordinary general meeting shall be forwarded by the Secretary to all members at least fifteen days before the date fixed for the general meeting.
- (j) Paragraphs (a) and (b) of this rule regarding the quorum and postponement of an Annual General meeting shall apply also to an extraordinary general meeting, but with the provision that if no quorum is present after half an hour from the time appointed for a postponed extraordinary general meeting requisitioned by members, the meeting shall be cancelled and no extraordinary general meeting shall be requisitioned for the same purpose until after the lapse of at least six months from the date thereof.

RULE 7

COMMITTEE

- (a) (i) A Committee consisting of the following, who shall be termed the office-bearers of the Club, shall be elected at **every alternate** the Annual General Meeting:
  - A President
  - A Vice President
  - A Secretary
  - An Assistant Secretary**
  - A Treasurer

**7 Ordinary Committee Members (Directors)**

**Director of Public Relation (DPR) and Chief Liaison Coordinator to Malaysian Commissions and Multimedia Commission (CLC)**

Director of International Relation (DIR)

Director of Utilities (DU)

Director of Short Wave Listener Members Affair (DSA)

Director of Educational Development (DED)  
Projector Director (PD)  
**Emergency Communication Director (ECD)**

**(ii) The office-bearers of the Club and every officer performing executive functions in the Society shall be Malaysian Citizens.**

- ( b ) Names for the above offices shall be proposed and seconded and election shall be by a simple majority vote of the members at **every alternate** Annual General Meeting. All the office-bearers **shall hold office for a term of two years but** shall be eligible for reelection, provided that the President and Treasurer shall not hold office for more than two **terms** and no member of the Committee other than the Secretary shall serve more than three **terms**.
- ( c ) The function of the Committee is to organize and supervise the day to day activities of the Club and to make decisions on matters affecting its running within the general policy laid down by the general meeting. The Committee may not act contrary to the expressed wishes of the general meeting without prior reference to it and shall always be subordinate to the general meeting. It shall furnish a report to each Annual General Meeting on its activities during the previous year.
- ( d ) The Committee shall meet once in every three months, and 7 days notice of each meeting shall be given to the members. The President acting alone or not less than 4 members acting together may call for a meeting of the Committee to be held. At least one-half of the Committee members must be present for its proceedings to be valid and to constitute a quorum.
- ( e ) Where any urgent matter requiring the approval of the Committee arises and it is not possible to convene a meeting, the Secretary may obtain such approval by means of a circular letter. The following conditions must be fulfilled before a decision of the Committee is deemed to have been obtained:
- (i) The issue must be clearly set out in the circular and forwarded to all members of the Committee;
  - (ii) At least one-half of the members of the Committee must indicate whether they are in favor or against the proposal ; and
  - (iii) The decision must be by a majority vote.
- Any decision obtained by circular letter shall be reported by the Secretary to the next Committee meeting and recorded in the minutes thereof.
- ( f ) Any member of the Committee who fails to attend three consecutive meetings of the Committee without satisfactory explanation shall be deemed to have resigned from the Committee.
- ( g ) In the event of death or resignation of a member of the Committee, the candidate who received the next highest number of notes at the previous election for the post affected shall be invited to fill the vacancy. If there is no such candidate or if such candidate declines to accept office, the Committee shall have power to co-opt any member of the Club to fill the vacancy until the next Annual General Meeting.

- ( h ) The Committee shall give instructions to the Secretary and other officers for the conduct of the affairs of the Club. It may appoint such organizers and such staff, as it deems necessary. It may suspend or dismiss any organizer or member of the staff for neglect of duty, dishonesty, incompetence, refusal to carry out the decisions of the Committee, or for any other reason which it deems fit and sufficient in the interest of the Club.
- ( i ) The Committee shall within 28 days after the holding of the Annual General Meeting, submit the annual returns of the Club to the Registrar of Societies as required under Section 14(1) of the Societies Act, 1996.
- ( j ) **The Committee may from time to time, make, vary and revoke By-Laws not inconsistent with these Rules for the regulation of the internal affairs of the Club and the conduct of the Members. All By-Laws shall, until revoked by the Committee, be binding on the Members.**

RULE 8 DUTIES OF OFFICE BEARERS

- (a) The President shall during his term of office preside at all general meetings and all meetings of the Committee and shall be responsible for the conduct of all such meetings. He shall have the casting vote.
- (b) The Vice President shall deputize for the President during the latter's absence.
- (c) **( i )** The Secretary shall conduct the business of the Club in accordance with its rules, and shall carry out the instructions of the general meeting and of the Committee. He shall be responsible for conducting all correspondence and keeping all books, documents and papers except the accounts and financial records. He shall maintain a membership register with particulars of name, age, identity card number, occupation and address of every member. He shall attend all meetings and record the proceedings.  
  
**( ii ) The Assistant Secretary shall assist the Secretary in conducting the business of the Club.**
- (d) The Treasurer shall be responsible for the finances of the Club. He shall keep accounts of all its financial transactions and shall be responsible for their correctness.
- (e) The Director of Public Relation will promote the general advancement of Radio Communication science, in particular Amateur Radio, to provide general information to the public about the activities of Amateur Radio. And He is also the Chief Liaison Coordinator to Amateur Radio Licensing Authority of Malaysia in all matters effecting the terms of licenses issued to all members and the Radio Frequency spectrum allocated to Amateur Radio Operator in Sabah.**
- (f) The Director of International Relation will provide Club activities, News coverage in particular to Amateur Radio Activities in Sabah and in general to other Amateur Radio Club, Association or Societies around the world. He will take necessary steps to affiliate with other Amateur Radio Club, Association or Societies around the world.
- (g) The Director of Utilities will ensure that the Club premise in general good order and to provide adequate Club facilities for the benefit of the members.
- (h) The Director of Short Wave Listener Members Affair will represent and coordinate with all Short Wave Listener members and to provide proper guidance so that

they are all well-informed and knowledgeable on aspects of **Amateur Radio Licensing Authority of Malaysia** Rules and Regulation of Amateur Radio License procedure.

- (i) The Director of Education Development will ensure that members of the Club are given proper guidance and training so as to produce high quality Amateur operators.
- (j) The Project Director will provide from time to time Club projects activities, to liaison and coordinate pilot projects and affiliated projects throughout in the field of Radio Communication.
- (k) Emergency Communication Director will responsible for organizing, training and development of Emergency Communication support team in times of emergency and/or Coordinator for AREST.**

RULE 9 FINANCIAL PROVISIONS

( a ) Subject to the following provisions in this rule, the funds of the Club may be expanded for any purpose necessary for the carrying out of its objects, including the expenses of its administration, the payment of salaries, allowance and expenses to its office-bearers and paid staff, and the audit of its accounts, but they shall on no account be used to pay the fine of any member who may be convicted in a court of law.

( b ) The Treasurer may hold a petty cash advance not exceeding RM 500 at any one time. All money in excess of this sum shall within 7 days be deposited in a bank approved by the committee. The bank account shall be in the name of the Club.

( c ) All cheques or withdrawal notices on the Club account shall be signed jointly by the President, Secretary and the Treasurer **or any two**. In the absence of **any two of the three** (the President, Secretary and Treasurer), the Committee shall appoint one of its members to sign in his place.

( d ) No expenditure exceeding RM 500 at any one time shall be incurred without the prior sanction of the Committee, and no expenditure exceeding RM 3000 in any one month shall be incurred without the prior sanction of a general meeting. Expenditure of less than RM 500 at any one time may be approved by the President together with the Secretary and the Treasurer.

( e ) As soon as possible after the end of each financial year, a statement of receipts and payment and a balance sheet for the year shall be prepared by the Treasurer and audited by the Auditors appointed under Rule 10. The audited accounts shall be submitted for the approval of the next Annual General Meeting, and copies shall be made available at the registered address or place of meeting of the Club for perusal of members.

( f ) The date of commencement of the financial year of the Club shall be the 1<sup>st</sup>. of January and shall end on 31<sup>st</sup>. of December annually.

RULE 10 AUDIT

( a ) Two persons, who shall not be office bearers of the Club shall be appointed once in two years (one term) by the Annual General Meeting as Honorary Auditors.

( b ) The Auditors shall be required to audit the accounts of the Club for the year and to prepare a report or certificate for the Annual General Meeting. They may also be required by the **President** to audit the accounts of the Club for any period within their tenure of office at any date and to make report to the Committee.



RULE 11 TRUSTEES

( a ) Three Trustees who must be over 21 years of age, shall be appointed at the Annual General Meeting and shall hold office during the pleasure of the Club. They shall have vested in them all immovable property whatsoever belonging to the Club upon the execution of Deed of Trust.

( b ) The Trustees shall not sell, withdraw or transfer any of the property of the Club without the consent and authority of a general meeting of members.

( c ) A Trustee may be removed from the office by the general meeting on the grounds that owing to ill health, unsoundness of mind, absence from the country or for any other reason, he is unable to perform his duties or unable to do so satisfactorily. In the event of the death, resignation or removability of a Trustee the vacancy shall be filled by a new Trustee appointed by a general meeting.

RULE 12 INTERPRETATION OF RULES

( a ) Between Annual General Meetings, the Committee shall interpret the rules of the Club and, when necessary, determine any point on which the rules are silent.

( b ) Except where they are contrary to or inconsistent with the policy laid down by the General Meeting, the decisions of the Committee shall be binding on all members of the Club unless and until countermanded by resolution of a general meeting.

**( c ) The Committee may from time to time, make, vary and revoke By-Laws not inconsistent with these Rules for the regulation of the internal affairs of the Club and the conduct of the Members. All By-Laws shall, until revoked by the Committee, be binding on the Members.**

RULE 13 PROHIBITIONS

( a ) None of the following games shall be played in the premises of the Club: Roulette, Lotto, Fan-Tan, Poh, Peh Bin, Belangkai, Pai Kau, Tau Ngau, Tien Kow, Chap Ji Kee, Sam Cheong, Twenty One, Thirty One, Ten and a half, all game of dice, banker's games, video games and all games of mere chance.

( b ) Neither the Club nor its members shall attempt to restrict or in any other way interfere with the trade or prices or engage in the Trade Unions Act, 1959.

( c ) The Club shall not hold any lottery, whether confined to its members or not, in the name of the Club or its office-bearers, Committee or member.

( d ) The Club shall not pay any benefits as defined under section 2 of the Societies Act, 1966 to any of its members.

( e ) No University student shall be admitted as member of the Club without the prior written consent of the Vice Chancellor of the University concerned.

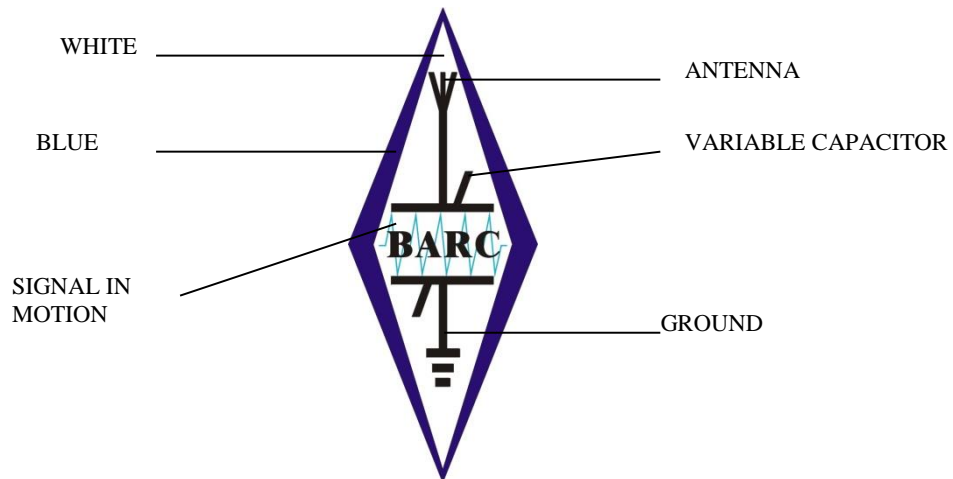
RULE 14 AMENDMENT OF RULES

These Rules may not be altered or amended except by resolution of a general meeting. Application for such alternations or amendments shall be made to the Registrar within 28 days from the date of the decision to make the change or

amendment and shall take effect from the date of their approval by the Registrar of Societies.

**RULE 15 CLUB LOGO**

- ( i) The Logo of the Club shall be in the shape of two diamonds, one in blue and the other in white. The word BARC that is the acronym of the Club is written in the middle of the white diamond shape together with the drawings of signal wave and an antenna.
- ( ii) The interpretation of the features and colours used is as follows:-
  - ( a) B.A.R.C. means Borneo Amateur Radio Club.
  - ( b) Technical Sign:-  
Antenna Variable capacitor and signal in motion means HAM activities, which represent Ham worldwide.
  - ( c) Diamond shape represents quality Ham operators.
  - ( d) Colours chosen:  
White background. represents Peace and Harmony through out the world.  
Blue- strength, knowledgeable, friendly.



**RULE 16 DISSOLUTION**

- ( i) The Club may be voluntarily Dissolved by a resolution of not less than two-third (2/3) of total membership at a general meeting specially called for the purposed.
- ( ii) In the event of the Club being dissolved as provided above, all debts and liability legally incurred on its behalf shall be fully discharged and the remaining funds shall be disposed of in the manner decided upon by a general meeting.
- ( iii) Notice of dissolution shall be given within 14 days of the dissolution to the Registrar of Societies.

**CERTIFIED CORRECT**

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**Mr. Abdul Hamid Sani (9W6MID)**  
**Hon. Secretary**

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**Mr. Christopher J. Motogil (9W6DJ)**  
**Hon. President**

**Amended  
30th March Year 2006,**

Strictly distributed to members only

Rujukan Pejabat Pertubuhan and Pendaftaran Negara

**SIJIL PENDAFTARAN NO: 104/94 (SABAH)**  
Ruj. PMM/SB. 1619/92 (8), Dated: 02-12-1994