



**CONSTITUTION AND RULES  
OF  
iBURST ASSOCIATION  
(iBA)**

***PERTUBUHAN iBURST ANTARABANGSA***

**Unit No. 1-5-34, Krystal Point Corporate Park  
Lebuh Bukit Kecil 6, off Jalan Tun Dr. Awang  
11900 Bayan Lepas, Penang, Malaysia**

**CONSTITUTION AND RULES**  
**OF**  
**iBURST ASSOCIATION (iBA)**

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# CONSTITUTION AND RULES

OF

## iBURST ASSOCIATION (iBA)

### Chapter 1: Name

#### Rule 1

The name of the Association shall be “**Pertubuhan iBurst Antarabangsa**” in Bahasa Malaysia and “**iBurst Association**” in English (hereinafter referred to as “the Association”).

### Chapter 2: Registered Office

#### Rule 2

The registered and correspondence address of the Association shall be at Unit No. 1-5-34, Krystal Point Corporate Park, Lebuah Bukit Kecil 6, off Jalan Tun Dr. Awang, 11900 Bayan Lepas, Penang, Malaysia. The registered address shall not be changed without the prior approval of the Registrar of Societies.

### Chapter 3: Logo

#### Rule 3



1) Explanation

iBurst Association (iBA)

2) Understanding

Red: The Light in red colour signifies the significance of iBurst technology that contributes to today's harmonious living of human being with technology, environment and social expectation.

The standard of living will improve progressively as the consequence of the rapid technology advancement, increasing globalization and liberalization, development of various Information, Communication and Technology (“ICT”) applications, convergence of services and rapid adoption of iBurst Technology by its users.

The red bar serves as the solid platform to introduce new ideas, new vision and innovation of iBurst technology.

Blue: The “ i” means initiative, invention, innovation, integration, information technology, importance and need for a greater level of interconnectivity and interoperability between technologies and the “Burst” means the rapid deployment of iBurst technology in broadband wireless access, internet, mobile service, contents development and every aspects of the modern living environment.

Blue signifies the unity, solidarity, co-operation and commitment of iBurst members to meet the long term objectives of iBA.

## **Chapter 4: Purpose, Vision, Mission, Objectives**

### **Rule 4**

#### **Purpose**

To promote and develop iBurst as the preferred solution for mobile broadband wireless access (MBWA).

#### **Vision**

- 1) To promote iBurst as a global standard for mobile wireless broadband access technology.
- 2) To bridge the digital divide and promote universal broadband access for underserved communities.

#### **Mission**

- 1) To create a global iBurst community for knowledge sharing.
- 2) To promote iBurst technology to regulators, telecommunications industries, government department and service providers as a pragmatic and ubiquitous mobile wireless networks.
- 3) To create awareness and educate the public on iBurst Technology through dialogues, symposiums, forums, seminars and exhibition and interact at an equal and active international arenas.
- 4) To keep track of other alternative mobile wireless broadband technologies and contribute to the growth of broadband Internet user groups from all sectors, consists of individuals, enterprises, educational groups, service providers, manufacturers, public sector and underserved community at large.

## **Objectives**

- 1) Access to the latest information on iBurst technology.
- 2) Updates on activities occurred in iBurst Operator's countries and news on latest service launch.
- 3) Access to the sources to secure preferred suppliers of applications and iBurst related software and hardware.
- 4) Provide an opportunity to become a technology supplier for user communities whom requiring last-mile access.
- 5) Access to iBurst marketing tips or technical subjects on mobile wireless broadband.
- 6) Access and facilitation to source funding for iburst commercial deployment.
- 7) Access to advice on regulatory issues to obtain spectrum licence.
- 8) Provide members with a platform to share information and experiences around specific areas of interest.

## **Chapter 5: Membership**

### **\*Rule 5**

All companies registered under Companies Act, 1965 or legally registered under foreign countries' Act are eligible for membership in the Association. The membership categories are divided into two categories comprising Registered Members and Associate Members.

#### a) Registered Members

- 1) iBurst operators who are operating with iBurst Technology
- 2) iBurst equipment suppliers with ownership of Intellectual Property Right

#### b) Associate Members

(Manufacturer Category)

- 1) Manufacturers and equipment suppliers

(Non-Manufacturer Category)

- 1) System Integrator
- 2) Non Government Organisations
- 3) Government Organisations/Departments
- 4) Societies engaged in promotion of ICT, Broadband, Communications and Media.
- 5) Higher Learning Institutions

*Note: \* 1<sup>st</sup> Amendment made on 21 March 2008*

- 6) Telecommunication Regulators
- 7) Financial Institutions
- 8) Venture Capital Firms
- 9) Research Institutions
- 10) Service Providers
- 11) Management Consultants
- 12) Non Profit Organisations
- 13) Resellers
- 14) Private Company or Sole Proprietor offering ICT Services
- 15) Contractor or project manager

Associate members enjoy all the benefits of membership but are not entitled to vote at any meeting of the Association.

#### **Rule 6**

Each application for membership must be submitted on the prescribed application form and must be proposed by a member and seconded by another member of the Association. The entrance fee and annual subscription must be paid within fourteen (14) days of its being approved by the Membership and Policy Committee to be officially considered as a member and shall be entitled to all privileges subject to the types of membership. The Membership and Policy Committee shall be headed by Secretary-General.

#### **Rule 7**

The Membership and Policy Committee shall have the right to reject any application for membership if the applicant fails to satisfy membership qualifications.

#### **Rule 8**

Each member can appoint maximum two (2) representatives who are eligible for election as office bearers in the Executive Committee.

#### **Rule 9**

Members must abide by the Constitution and Rules of the Association and obey the resolutions of all meetings.

*Note: \* 1<sup>st</sup> Amendment made on 21 March 2008*

## Rule 10

The Executive Committee has the right to remove any office bearers from their responsibilities and positions or terminate the rights or membership of any members or any representatives of a member who:-

- i) resigns his office by notice in writing to Secretary-General of the Association;
- ii) fails to pay dues or fees due and payable;
- iii) becomes bankrupt or makes any arrangement or composition with his creditors generally;
- iv) becomes of unsound mind;
- v) commits or is involved in any criminal offence including Criminal Breach of Trust;
- vi) is being sued or prosecuted in a lawsuit;
- vii) fails to satisfy membership qualifications; or
- viii) fails in a material and serious degree to observe the rules of conduct of the Association, or has engaged in conduct materially and seriously prejudicial to the purposes and interests of the Association.

## Rule 11

The membership of a member shall automatically cease upon its dissolution or its registration being withdrawn.

## Chapter 6: Entrance Fee and Subscription

### Rule 12

1. Entrance Fee US\$150 (non refundable)
2. \*Annual subscription

#### Registered Members

- 1) iBurst operators who are operating with iBurst Technology US\$ 3,000
- 2) iBurst equipment suppliers with ownership of Intellectual Property Right US\$ 3,000

#### Associate Members

##### **(Manufacturer Category)**

- 1) Manufacturers and equipment suppliers US\$ 3,000

##### **(Non-Manufacturer Category)**

- 1) System Integrator US\$ 1,000
- 2) Non Government Organisations US\$ 1,000
- 3) Government Organisations/Departments US\$ 1,000

Note: \* 1<sup>st</sup> Amendment made on 21 March 2008

- |     |   |            |
|-----|---|------------|
| 4)  | Societies engaged in promotion of ICT, Broadband, Communications and Media. | US\$ 1,000 |
| 5)  | Higher Learning Institutions  | US\$ 1,000 |
| 6)  | Telecommunication Regulators  | US\$ 1,000 |
| 7)  | Financial Institutions  | US\$ 1,000 |
| 8)  | Venture Capital Firms   | US\$ 1,000 |
| 9)  | Research Institutions   | US\$ 1,000 |
| 10) | Service Providers   | US\$ 1,000 |
| 11) | Management Consultants  | US\$ 1,000 |
| 12) | Non Profit Organisations  | US\$ 1,000 |
| 13) | Resellers   | US\$ 1,000 |
| 14) | Private Company or Sole Proprietor offering ICT Services                    | US\$ 1,000 |
| 15) | Contractor or project manager   | US\$ 1,000 |
3. The annual subscription must be paid to the Treasurer by 30 June each year.
4. All members must pay their annual subscription fees in order to have the rights to attend and vote at general meetings.

## **Chapter 7: Organization**

### **Rule 13**

- 1) The supreme authority of the Association shall be the General Meetings of the Members which shall be constituted by appointed representatives of the Association.
- 2) When the General Meetings are not in session, the Executive Committee shall be the highest authority for decision-making and managing the activities of the Association.
- 3) \*The Executive Committee shall consist of Nine (9) members who shall be elected at a General Meeting of Members biennially. The President can hold office of the same position for a maximum of three (3) terms six (6) years consecutively. Whereas the Secretary-General can hold office continuously of the same position for three (3) terms six (6) years without subject to election. The elected members of the Executive Committee shall be the Office Bearers.

*Note: \* 1<sup>st</sup> Amendment made on 21 March 2008*

- 4) The Office Bearers of the Executive Committee shall consist of:
  - a) A President (Président)
  - b) A Vice President (Vice-Président)
  - c) A Secretary-General (Secrétaire General)
  - d) An Assistant Secretary-General (Assistant Secrétaire General)
  - e) A Treasurer (Trésorier)
  - f) Four Committee Members (4 Membre du Comité)
- 5) The President, Vice President, Secretary-General and Treasurer shall constitute the Standing Committee. Maximum two (2) members of the Standing Committee can be from the same operators.
- 6) Each Member shall be eligible to hold maximum two (2) positions in the Executive Committee.

## **Chapter 8: Termination & Removal of Member**

### **Rule 14**

A member who intends to terminate the membership, must give two (2) weeks' notice to the Secretary-General. Member must settle all the debts before the termination disregard whether the termination is voluntary or mandatory.

### **Rule 15**

Executive Committee shall give fourteen (14) days prior notice to the members who infringe Rule 10 before cessation as member and the Executive Committee shall have absolute discretion in handling the termination.

## **Chapter 9: General Meeting of Members**

### **Rule 16**

- 1) The Annual General Meeting shall be held once a year not later than 30 June to transact the following businesses:
  - a) adoption of annual report and audited annual accounts
  - b) election of office bearers (biennially)
  - c) appointment of auditors
  - d) consideration of members resolutions (to be submitted ten (10) days before the date of meeting to the Secretary-General for submission to the Members Meeting after being vetted by the Executive Committee).

- 2) At least twenty-one (21) days' notice of Annual General Meeting shall be given by the Secretary-General to every member of the Association. The notice shall be accompanied by the annual report.
- 3) At least half of the total registered members or two (2) times of the total executive committee members present, whichever is lesser, shall constitute the quorum for the Annual General Meeting. If a quorum is not present half ( $\frac{1}{2}$ ) an hour after the allotted time, it shall be postponed to the seventh (7<sup>th</sup>) day from the date of meeting which shall be held at the same place and at the same time as the original meeting or a new venue and later date agreed by majority of turn ups. If necessary, the Annual General Meeting can be by phone.
- 4) One registered member subject to one voting right in all Annual General Meeting and Extraordinary General Meeting. The representative shall have the right to speak and/ vote but not the observers. The Association must be notified in writing of any changes in representatives within 48 hours before any General Meeting.
- 5) The agenda for postponed Annual General Meeting shall be the same as mentioned in the original meeting.
- 6) At the postponed Annual General Meeting, if a quorum is not present after half ( $\frac{1}{2}$ ) an hour, the Members present shall have the power to proceed with the business of the day but shall not have power to amend the Rules of the Association.

#### **Rule 17**

- 1) An Extraordinary General Meeting may be called by the Executive Committee or upon the written request of not less than one third ( $\frac{1}{3}$ ) of the registered members. A notice of not less than twenty-one (21) days shall be given by the Secretary-General to the members prior to the Extraordinary General Meeting.
- 2) The President or the Executive Committee shall, upon receipt of the written request by not less than one third ( $\frac{1}{3}$ ) of the registered members, issue notice for the Extraordinary General Meeting within twenty-one (21) days.
- 3) The quorum for the Extraordinary General Meeting shall be five (5) registered members. If a quorum is not present half ( $\frac{1}{2}$ ) an hour after the time appointed for the meeting, it shall be cancelled and shall not be postponed. The Secretary-General shall inform to all members of the outcome of the said Extraordinary General Meeting. If necessary, the Extraordinary General Meeting can be by phone.

#### **Rule 18**

All resolutions for selling, transfer or mortgage of the Association's immovable properties must be voted on and approved by members at the Annual General Meeting or at an Extraordinary General Meeting.

## Chapter 10: Executive Committee

### Rule 19

- 1) A meeting of the Executive Committee must be held within fourteen (14) days after the election to elect among themselves the Office Bearers.
- 2) \*The term of office of the Executive Committee shall be two (2) years except for the Secretary-General.
- 3) Handing over of duties must be completed within fourteen (14) days of the election of the Office Bearers.

### Rule 20

- 1) At least fourteen (14) days' notice must be given for an Executive Committee Meeting. Five (5) Executive Committee members present shall constitute a quorum.
- 2) The Executive Committee shall meet at least once every six (6) months and the President shall have the power to call emergency meetings of Executive Committee when is necessary.

### Rule 21

The Executive Committee shall have the following powers:-

- 1) Approve the formation of various working committees.
- 2) Appoint advisors and legal advisors to assist in the activities of the Association.
- 3) Direct, decide and regulate the activities of the Association.
- 4) Execute all resolutions passed at General Meeting.
- 5) Appoint any person(s) from the Executive Committee to fill a vacancy(ies) on the occurrence of death or situation stated under Rule 10 (i) to (viii) of the President or Vice President or Secretary-General or Assistant Secretary-General or Treasurer. The newly appointed person(s) shall continue hold office for the balance term.
- 6) Appoint any recommended person of members to fill a vacancy on the occurrence as stated above of either one of the four (4) Executive Committee Members. The newly appointed person(s) shall continue hold office for the balance term.
- 7) Any member of the Committee who fails to attend three (3) consecutive meetings of the Committee without a satisfactory explanation shall be deemed to have resigned from the Committee.
- 8) Exercise all the powers of Association in relation to any official seal for use inside and outside Malaysia.

*Note: \* 1<sup>st</sup> Amendment made on 21 March 2008*

## **Rule 22**

- 1) \*No other employees of iBurst Association (iBA) shall be allowed to serve as a member of the Executive Committee except for the Secretary-General.
- 2) A person who is a bankrupt, insane or who had been convicted in a Court of Law for a criminal offence which carries a term of imprisonment shall not be allowed to serve as an Executive Committee Member.

## **Rule 23**

A meeting of the Standing Committee may be convened by giving fourteen (14) days' notice. Three (3) members of the Standing Committee present shall constitute a quorum.

## **Rule 24**

The Standing Committee shall have the following powers:-

- 1) Present to the Executive Committee the annual budget and proposal for activities of the Association.
- 2) Propose to the President to call for Extraordinary General Meeting to deal with urgent matters.

## **Chapter 11: Duties and Responsibilities**

### **Rule 25**

- 1) The President – attends to the daily operations of the Association, represents the Association, presides at all Members' Meeting, Executive Committee Meetings, signs and approves minutes and when there is an equality of votes, shall have a casting vote.
- 2) Vice-President – Assists the President in dealing with the daily operations of the Association and assume the duties of the President when needed.
- 3) Secretary-General – attends to the daily administrative matters of the Association in accordance with the Rules and Regulations; takes actions to give effect to the resolutions passed at the General Meetings, Executive Committee Meetings and the Standing Committee Meetings; maintains the register of members and provides safe keeping of the Association's documents; responsible to report to the General Meeting, Executive Committee Meeting and Standing Committee Meeting on the activities and planning of the Association.
- 4) Assistant Secretary-General - Assists the Secretary-General in dealing with the daily operations of the Association and assume the duties of the Secretary-General when needed.
- 5) Treasurer – manages the funds, payments, receipts and accounts of the Association; responsible for presenting the financial report to the Annual General Meeting, Executive Committee Meeting and the Standing Committee Meeting.
- 6) Committee Members – assist in the execution of the Executive Committee's duties.

*Note: \* 1<sup>st</sup> Amendment made on 21 March 2008*

## **Rule 26**

President or Vice President or Secretary-General in the Executive Committee shall represent the Association to sign with any person or organization any agreement affecting the Association's properties or the Association's interest with the authority given by the majority approval in Executive Committee Meeting.

## **Chapter 12: Management of Finance**

### **Rule 27**

Rules on funds

- 1) The funds of the Association shall be used to finance the activities of the Association, including payment for administrative expenses, salaries and allowances for the employees.
- 2) Treasurer shall be a custodian for petty cash of US\$500. Any fund in excess of this amount shall be deposited into the bank account decided by the Executive Committee. The bank account shall be maintained in the name of the Association.
- 3) All cheques and withdrawal notices shall be signed jointly by the President (or in his absence or while he is on leave, the Vice President) and the Treasurer or the President and the Secretary-General.
- 4) Single payment of US\$15,000 and below to be decided by President. Any payments above US\$15,000 shall get the approval from the Standing Committee.
- 5) After the end of each financial year, the Statement of Receipts and Payments and Balance Sheet of that financial year must be prepared by the Treasurer within three (3) months. After being audited by the external auditors, such statements shall be tabled at the next Annual General Meeting for approval and copies shall be made available at the registered address or place of meeting of the Association for the perusal of members.
- 6) The financial year end of the iBurst Association shall be on 1 January and shall end on the 31 December annually.

### **Rule 28**

- 1) An external auditor shall be appointed during the Annual General Meeting.
- 2) The External Auditor shall be responsible for the audit of the accounts of the Association and prepare the financial report to be tabled at the Annual General Meeting. At the request of the President, the External Auditors shall audit the Association's accounts for any date within his term and report to the General Committee.

## **Chapter 13: Amendments to Rules**

### **Rule 29**

- 1) Amendments to the Rules shall be proposed by the Executive Committee and approved by the Annual General Meeting or Extraordinary General Meeting. Such amendments must be submitted to the Registrar of Societies and shall take effect from the date of their approval by the Registrar of Societies.
- 2) Amendments to the Rules shall require the approval of simple majority of the Members attending the Annual General Meeting or Extraordinary General Meeting. The amended Rules must be submitted to the Registrar of Societies within sixty (60) days of their approval.

## **Chapter 14: Trustees**

### **Rule 30**

- 1) Three (3) Trustees above twenty-one (21) years of age shall be elected at the General Meeting and shall hold office during the pleasure of the Association. All immovable assets and properties of the Association shall be entrusted to them through the signing of a Deed of Trust.
- 2) The Trustees shall have no rights to sell, withdraw or exchange the assets and properties of the Association without the consent and authority obtained by a General Meeting.
- 3) A Trustee may be removed from his position by a General Meeting because of sickness or health problems, unsoundness of mind, absence from or not in Penang or any other reasons that prevent him/her from carrying out his/her duties efficiently and with satisfaction. In the event of death or resignation or removal of a Trustee, a new trustee shall be appointed by a General Meeting.

## **Chapter 15: Interpretation of Rules**

### **Rule 31**

- 1) Between General Meetings, the Committee shall interpret the rules of the Association and when necessary, determine any point on which the rules are silent.
- 2) Except where there are contrary to or inconsistent with the policy previously laid down by the General Meeting, the decisions of the Committee shall be binding on all members of the Association unless and until countermanded by a resolution of a General Meeting.

## **Chapter 16: Advisors**

### **Rule 32**

- 1) The Committee may appoint qualified persons to become Advisors for the Association as it deem necessary.

## Chapter 17: Prohibitions

### Rule 33

- 1) None of the following games shall be played in the premises of the Association.  

Roulette, Lotto, Fantan, Poh, Pei Bin, Belankai, Pai Kau, Tau Ngau, Ten and a half, Tien Koy, Chap Ji Kee, Sam Cheong, Twenty One, Thirty One and all games of dice banker's game, video games and all games of mere chance.
- 2) The Association shall not hold any lottery whether confirmed to its members or not, in the name of the Association or its office bearers, Committee or members without prior approval from the appropriate authorities concerned.
- 3) Benefits as stated in Section 2 of the Societies Act, 1966 shall not be given by the Association to any member or his/her dependent.
- 4) The Association shall be free from any political activities.
- 5) The introduction of immoral activities and bad characters into the premises of the Association is strictly prohibited.
- 6) The Association and its members shall not attempt to restrict or interfere with the trade or prices or engage in any trade union activities as defined in the Trade Union Act 1959.
- 7) No University or College student shall be admitted as a member of the Association without the prior consent in writing from the Vice Cancellor of the University or College concerned.

## Chapter 18: Dissolution

### Rule 34

- 1) The Association shall not be dissolved except with a resolution passed at an Extraordinary General Meeting of the members which is attended by not less than three fourth of the members and passed by at least two third ( $\frac{2}{3}$ ) of the members at the meeting.
- 2) In the event of the Association being dissolved as provided above, all debts and liabilities legally insured on its behalf shall be fully discharged, and the remaining funds shall be disposed off in such manner as may be decided upon by a General Meeting.
- 3) Notice of dissolution shall be given within fourteen (14) days of the dissolution to the Registrar of Societies.

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**President**

**Name: Leong Kong Hoy**

.....  
**Secretary-General**

**Name: Lee Khiam Jin**