

## **RULES FOR**

## **NORTHERN RIVERS WILDLIFE CARERS INCORPORATED**

### **1. NAME**

The name of the Association shall be Northern Rivers Wildlife Carers Inc.

### **2. GENERAL OBJECTIVES**

To assist in the rehabilitation, protection, enhancement and conservation of all native fauna and associated habitat as licensed by the National Parks and Wildlife Service (NSW), ['NPWS'] in the area encompassing the local government areas of Ballina, Byron, Casino, Kyogle, Lismore and Richmond River.

### **SPECIFIC OBJECTIVES AND AIMS**

- (a) To rescue and rehabilitate native fauna for return to its natural environment using the most up to date information available, always placing the best interests of the animal first.
- (b) To train volunteer members to rescue, care for and rehabilitate native fauna. If an animal is unable to be rehabilitated and returned to the wild, then assessment will be made involving the carer, area co-ordinator, officer of the NPWS and veterinarian for the purposes of:
  - (i) arranging permanent care in as natural an environment as possible; or
  - (ii) providing the animal to a breeding and research program for rare and endangered species if appropriate; or
  - (iii) euthanasing the animal in as painless a way as possible.
- (c) To alleviate suffering experienced by injured, sick or orphaned animals by seeking prompt treatment or euthanasia.
- (d) To ensure that medication is used only under veterinarian guidance and in consultation with an area co-ordinator, either by prior arrangement regarding specific medication and dosage for a specific species or on an individual case by case basis.
- (e) To encourage carers to consult area co-ordinators regarding appropriate housing and husbandry procedures.
- (f) To prohibit the exhibition of native wildlife outside the rehabilitation environment except with the express approval of the relevant area co-ordinator, the NPWS and/or other appropriate authority.

- (g) To publicly encourage and promote the protection and welfare of native fauna and habitats by conducting and supporting research and educational projects pertinent to the Association's objectives.
- (h) To promote the objectives and Aims of the Association by appropriate publicity wherever possible.
- (i) To monitor Federal, State and Local Government and private enterprise policies in the light of the current knowledge and, when necessary, initiate action in pursuit of the Association's Objectives and Aims.
- (j) To enter into arrangements with any government authority or private organisation that further the Objectives of the Association.
- (k) To undertake fundraising activities to support the viability of the Association, research activities and achievement of the Objectives of the Association.
- (l) To be of assistance to other groups and organisations where practical and to exchange information with relevant groups.
- (m) To establish and maintain a Public Fund for the environmental purposes specified in the General and Specific Objectives and Aims of this Association, in accordance with the Rules and eligibility criteria of the Register of Environmental Organisations, the rules and guidelines of the Federal Department of the Environment Sport and Territories, Canberra, ACT and Section 78AB of the Income Tax and Assessment Act, 1936.

### **3. INTERPRETATION**

- (a) In these Rules:

"Association" means Northern Rivers Wildlife Carers Inc.

"General Meeting" means either an Annual General Meeting or a Special General Meeting of the Association.

"Honorary Member" means a person who pays no fees but furthers the Objectives of the Association in an exceptional way.

"Secretary" means:

- (a) The person holding the office under these Rules as Secretary of the Association.
- (b) Where no such person holds that office, the Public Officer of the Association

"Officer" means any member of the Committee.

"Person" means a natural person or where applicable an incorporated body.

"Special General Meeting" means a General Meeting of the Association other than an Annual General Meeting.

"the Act" means the Associations Incorporation Act, 1984.

"the Regulation" means the Association Incorporation Regulation, 1985.

(b) In these Rules:

(i) a reference to a function includes a reference to a power, authority and duty; and

(ii) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty

(c) The provisions of the Interpretation Act, 1987 apply to and in respect of these Rules in the same manner as those provisions would so apply if these Rules were an instrument made under that Act

(d) The Association is an 'Incorporated Association' under the Act and as such it is a legal entity separate from its members and a member or officer of the Association subject to the Act and its Rules, shall not by reason only of being such a member or officer be liable to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association.

#### **4. MEMBERSHIP – QUALIFICATIONS AND APPLICATION**

(a) Membership is open to all individuals and incorporated bodies who accept the Objectives and Rules of the Association and shall be of such a class or classes as may be determined by the Committee from time to time.

(b) An application for membership shall:

(i) be on a form approved by the Committee, signed by the Applicant containing particulars the Committee determine are necessary for determination of the Application;

(ii) contain a nomination by an existing member.

(c) As soon as practicable after the receipt of an application for membership or for renewal of membership, the Secretary shall refer the application to the Committee which shall determine whether to approve or reject the application by majority vote of at least two-thirds (2/3) of the Committee.

(d) The Committee shall not be required under any circumstances to give any reason for the approval or rejection as the case may be of an application for membership or renewal of membership.

- (e) The categories of membership, if any, shall be determined by the Committee.
- (f) Where an application has been approved, a receipt shall be issued and where applicable, an identification card issued.
- (g) The Committee reserves the right to issue Honorary Membership to individuals or families who demonstrate exceptional support of the Association.

## **5. CESSATION OF MEMBERSHIP**

- (a) A person ceases to be a member of the Association if the person:
  - (i) dies;
  - (ii) resigns membership; or
  - (iii) is expelled or suspended from the Association pursuant to these Rules; or
  - (iv) fails to pay his/her annual fees by the first day of October.
- (b) Honorary membership can be terminated by the Committee.
- (c) In all cases of termination of membership, the identification card must be surrendered to the Committee.

## **6. MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE**

A right, privilege or obligation which a person has by reason of being a member of the Association is not capable of being transferred or transmitted to another person.

## **7. REGISTER OF MEMBERS**

- (a) The Public Officer of the Association shall establish and maintain a register of members of the Association specifying the name and address of each person who is a member of the Association together with the date on which the person became a member.
- (b) The register of members shall be kept at the principal place of administration of the Association and shall be open for inspection, free of charge, for any member of the Association at any reasonable hour.

## **8. FEES, SUBSCRIPTIONS, ETC.**

- (a) A member shall pay the Association fees and annual membership fees as determined from time to time by the Committee.

- (b) All fees payable by any member shall be due and payable on the first day of July in each year.
- (c) The Committee shall determine what period, if any, will be the period a member will have extended to them to pay outstanding fees.
- (d) Members shall not be entitled to vote at a General Meeting unless all fees payable by them have been paid and their membership or renewal of membership has been ratified by the Committee.

**9. MEMBERS' LIABILITIES**

The liability of a member of the Association to contribute towards the payment of debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by Rule 8.

**10. DISCIPLINING OF MEMBERS**

(a) Where the Committee is of the opinion that a member of the Association:

- (i) has persistently refused or neglected to comply with a provision or provisions of these Rules;

or

- (ii) has persistently and wilfully acted in a manner prejudicial to the interests of the Association;

then, after considering an oral or written submission given by the member, the Committee may, by resolution:

- (iii) expel the member from the Association; or
- (iv) suspend the member from membership of the Association for a specified period; or
- (v) reprimand the member; or
- (vi) take no action or such other action as the Committee decides is appropriate and reasonable.

(b) Where the Committee passes a resolution under sub-clause (a), the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member:

- (i) setting out the resolution of the Committee and the grounds upon which it is based:

- to  
of
- (ii) informing the member that he/she may at the next Committee meeting attend and speak at the meeting and/or submit to the members at or prior the date of the meeting written representations relating to the resolution the Committee.

## **11. CONSTITUTION AND MEMBERSHIP OF COMMITTEE**

- (a) Subject to any resolution passed at a General Meeting to the contrary, the Committee shall consist of:

- (i) the office bearers of the Association;
- (ii) the Publicity Officer;
- (iii) the Liaison – National Parks and Wildlife Service;
- (iv) the Liaison – Area Co-ordinators; and
- (v) the Training Officer;
- (vi) the two (2) members;

each of whom shall be elected at the Annual General Meeting of the Association.

- (b) The office bearers of the Association shall be:

- (i) the Chairperson,
- (ii) the Vice Chairperson;
- (iii) the Secretary;
- (iv) the Treasurer;

- (c) Each member of the Committee shall, subject to the Rules, hold office until the conclusion of the Annual General Meeting following the date of the member's election, and each member of the Committee is eligible for re-election.

- (d) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of appointment.

## **12. POWERS OF COMMITTEE**

- (a) The Committee of the Association shall be called 'the Committee' and, subject to the Act, the Regulation and these Rules and to any resolution passed by the Association in General Meetings, the Committee:

- (i) shall control and manage the affairs of the Association;
- (ii) may exercise all functions as may be exercised by the Association other than those functions that are required by these Rules to be exercised by a Meeting of members of the Association;
- (iii) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.

### **13. ELECTION OF MEMBERS**

- (a) Nominations of candidates for election as office bearers of the Association or as ordinary members of the Committee:
  - (i) shall be made in writing, nominated and seconded by two (2) members of the Association and accompanied by written consent of the candidate (which may be endorsed on the form of nomination);
  - and
  - (ii) shall be delivered to the Secretary of the Association not less than twenty eight (28) days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- (b) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- (c) If insufficient further nominations are received, any vacant positions remaining on the Committee shall be deemed to be casual vacancies.
- (d) 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.
- (e) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (f) The ballot for the election of office bearers and ordinary members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
- (g) The nomination of a candidate for election under this clause is not valid if that candidate has been elected to another office at the same election, otherwise multiple nomination is permitted.

### **14. SECRETARY**

- (a) The Secretary of the Association shall, as soon as practical after being appointed as Secretary, lodge notice with the Association of his/her address.
- (b) It is the duty of the Secretary to keep minutes of:
  - (i) all appointments of office bearers and members of the Committee;
  - (ii) the names of members of the Committee present at the Committee Meetings or a General Meeting;
  - and
  - (iii) all proceedings at Committee Meetings and General Meetings.
- (c) A Minutes Secretary may be appointed at the Committee's discretion as required to record minutes of meetings, however, any such appointee shall not be entitled to vote at any meetings of the Committee.
- (d) Minutes of proceedings at a Meeting shall be signed by the Chairperson of the Meeting or by the Chairperson of the next succeeding Meeting.

**15. TREASURER**

- (a) It is the duty of the Treasurer of the Association to ensure that:
  - (i) all money due to the Association is collected and received and that all payments authorised by the Association are made;
  - (ii) correct books and accounts are kept showing the financial affairs of the Association including details of all receipts and expenditure connected with the activities of the Association;
  - and
  - (iii) a full and up-to-date financial report is presented at each Annual General Meeting or at the Committee's request and the books be made available for inspection upon request.

**16. CASUAL VACANCIES IN COMMITTEE**

- (a) For the purposes of these rules, casual vacancy in the office of a member of the Committee occurs if the member:
  - (i) dies;
  - (ii) ceases to be a member of the Association;
  - (iii) becomes a bankrupt under the Bankruptcy Act, 1966;



- (iv) resigns office by notice in writing given to the Secretary;
  - (v) is removed from office by the Committee pursuant to these Rules;
  - (vi) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- or
- (vii) is absent without consent of the Committee from all meetings of the Committee held during a period of three months.

#### **17. REVIEW BY COMMITTEE**

- (a) The Committee may, following written request by no less than two of its members, review any act, omission to act, or written or oral statement of the Chairperson or any other member of the Committee, in this clause called 'officer', in his/her official capacity, whether or not actually authorised by these Rules.
- (b) The Committee may, following such review:
  - (i) affirm or ratify the action of the officer; or
  - (ii) request or require the officer not to repeat the action, omission to act, or statement;

and/or

  - (iii) request or require the officer to rectify if possible the act or lack of action in the manner described by the Committee;

and/or

  - (iv) request or require the officer to amend or withdraw such a statement.

#### **18. REMOVAL OF COMMITTEE MEMBER**

- (a) The Association in General Meeting may by resolution remove any member of the Committee from his/her office before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of the office of the member so removed.
- (b) A member is entitled to receive notice of any proposed resolution to remove him/her from office and to make written and/or oral submissions to the Meeting at which a resolution is considered to remove him/her from office.

#### **19. MEETINGS AND QUORUM OF COMMITTEE**

- (a) (i) The Committee shall meet at least three (3) times in each period of twelve (12) months at such place and time as the Committee may determine.
- (ii) Meetings shall be conducted in accordance with Renton's Guide for Meetings and Organisations, Vol 1 and Vol 2.
- (b) Additional meetings of the Committee may be convened by the Chairperson or by three (3) other members of the Committee.
- (c) Oral or written notice of a Meeting of the Committee shall be given by the Secretary to each member of the Committee at least forty-eight (48) hours (or such other period as may be unanimously agreed upon by the members of the Committee) before the time appointed for the holding of the Meeting.
- (d) Notice of a Meeting given under Clause (c) shall specify the general nature of the business to be transacted at the Meeting and no business other than that business shall be transacted at the Meeting, except business which a majority of the Committee members present at the Meeting agree to treat as urgent business.
- (e) Any five (5) members of the Committee constitute a quorum for the transaction of the business of a Meeting of the Committee.
- (f) No business shall be transacted by the Committee unless a quorum is present, and if within half an hour of the time appointed for the Meeting a quorum is not present, the Meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (g) If at the adjourned Meeting a quorum is not present within half an hour of the time appointed for the Meeting, the Meeting shall be dissolved.
- (h) At a Meeting of the Committee:
  - (i) the Chairperson or, in the Chairperson's absence, the Vice Chairperson shall preside;
  - or
  - (ii) if the Chairperson and the Vice Chairperson are absent or unwilling to act, such one of the remaining members of the Committee as may be chosen by the members present at the Meeting shall preside;
  - or
  - (iii) A Chairperson may be appointed by the Committee however any such appointee shall not be entitled to vote at any meeting of the Committee.
- (i) Once notice of a Meeting of the Committee is given such Meeting may not be cancelled and must thereafter be convened and held in accordance with this Rule.

## **20. DELEGATION BY COMMITTEE TO SUB-COMMITTEE**

- (a) The Committee may, by instrument in writing, delegate to one or more sub-committees consisting of any person or persons as the Committee thinks fit the exercise of such other functions of the Committee as are specified in the instrument, other than:
  - (i) this power of delegation;
  - and
  - (ii) a function which is a duty imposed on the Committee by the Act or by any other law.
- (b) A function the exercise of which has been delegated to a sub-committee under this Rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (c) A delegation under this section may be made subject to such conditions or limitations as may be specified in the instrument of delegation.
- (d) Notwithstanding any delegation under this Rule, the Committee may continue to exercise any function delegated.
- (e) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this Rule has the same force or effect as it would have had if such had been done or suffered by the Committee.
- (f) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this Rule.
- (g) A sub-committee may meet and adjourn as it thinks proper.

## **21. VOTING AND DECISIONS**

- (a) Questions arising at a Meeting of the Committee or of any Sub-Committee appointed by the Committee shall be determined by a majority of the votes of members of the Committee or sub-committee present at the Meeting.
- (b) Each Committee member present at a Meeting of the Committee and each sub-committee member present at a meeting of the sub-committee (including the person presiding at the meeting) is entitled to one vote, but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote other than a Chairperson appointed under the Rule 19 (h) (iii) above.
- (c) The Committee may act notwithstanding any vacancy on the Committee.

- (d) Any act or thing done or suffered or purporting to have been done or suffered, by the Committee or by a sub-committee appointed by the Committee, is valid and effectual, notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-committee.

## **22. ANNUAL GENERAL MEETINGS OF ASSOCIATION**

- (a) With the exception of the First Annual General Meeting of the Association, the Association shall hold its Annual General Meeting in July of each year and if not so held, within a period of six months after the expiration of each financial year of the Association, such financial year to be from July 1 to June 30.
- (b) The Annual General Meeting of the Association shall, subject to the Act and these Rules, be convened on such a date and at such place and time as the Committee thinks fit.
- (c) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be:
  - (i) to confirm the Minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that Meeting;
  - (ii) to receive from the Committee a report upon the activities of the Association during the last preceding financial year;
  - (iii) to elect office bearers of the Association and ordinary members of the Committee;and
  - (iv) to receive and consider the statement which is required to be submitted to the members pursuant to Section 26(6) of the Act.
- (d) An Annual General Meeting shall be specified as such in the notice convening it.

## **23. SPECIAL GENERAL MEETINGS – CALLING OF**

- (a) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
- (b) The Committee shall, on the requisition in writing of not less than five (5) per cent of the total number of members, convene a Special General Meeting of the Association.
- (c) A requisition of members for a Special General Meeting:
  - (i) shall state the purpose or purposes of the Meeting;
  - (ii) shall be signed by the members making the requisition;

(iii) shall be lodged with the Secretary;

and

(iv) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

(d) If the Committee fails to convene a Special General Meeting to be held within two (2) months after the date on which a requisition of members for the Meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a Special General Meeting to be held not later than three (3) months after that date.

## **24. NOTICE OF GENERAL MEETINGS**

(a) Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Secretary shall, at least fourteen (14) days before the date fixed for the holding of the General Meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and nature of the business proposed to be transacted at the Meeting.

(b) Where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Secretary shall, at least twenty one (21) days before the date fixed for the holding of the General Meeting, cause notice to be sent to each member in the manner provided in Clause (a) specifying, in addition to the matter required under Clause (a), the intention to propose the resolution as a special resolution.

(c) No business other than specified in the notice convening a General Meeting shall be transacted at the Meeting except, in the case of an Annual General Meeting, business which may be transacted pursuant to Rule 22(c).

(d) A member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a General Meeting given after receipt of the notice from the member.

## **25. PROCEDURE**

(a) No item of business shall be transacted at a General Meeting unless a quorum of members entitled under these Rules to vote is present during the time the Meeting is considering that item.

(b) Five (5) per centum of members present in person (being members entitled under these Rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.

- (c) If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present, the Meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the Meeting or communicated by written notice to members given before the date to which the Meeting is adjourned) at the same place.
- (d) If at the adjourned Meeting a quorum is not present within half an hour after the time appointed for the commencement of the Meeting, the Meeting is dissolved.

## **26. PRESIDING MEMBER**

- (a) The Chairperson, or in the Chairperson's absence, the Vice Chairperson, shall preside as the Chairperson at each General Meeting of the Association.
- (b) If the Chairperson and the Vice Chairperson are absent from a General Meeting or unwilling to act, the members present shall elect one of their number to preside as Chairperson at the Meeting or shall appoint a Chairperson who is not a member of the Association to preside; such appointee shall not be entitled to vote at the Meeting.

## **27. ADJOURNMENT**

- (a) The Chairperson of a General Meeting at which a quorum is present may, with the consent of the majority of members present at the Meeting, adjourn the Meeting from time to time and place to place, but no business shall be transacted at an adjourned Meeting other than the business left unfinished at the Meeting at which the adjournment took place.
- (b) Where a General Meeting is adjourned for fourteen (14) days or more, the Secretary shall give written or oral notice of the adjourned Meeting to each member of the Association stating the place, date and time of the Meeting and the nature of the business to be transacted at the Meeting.
- (c) Except as provided in Clauses (a) and (b), notice of an adjournment of a General Meeting or of the business to be transacted at an adjourned Meeting is not required to be given.

## **28. MAKING OF DECISIONS**

- (a) A question arising at a General Meeting of the Association shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or 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.
- (b) At a General Meeting of the Association, a poll may be demanded by the Chairperson or by not less than five (5) members present in person.
- (c) Where a poll is demanded at the General Meeting, the poll shall be taken:
- (i) immediately in the case of a poll which relates to the election of a Chairperson of the Meeting or to the question of an adjournment;
- or
- (ii) in any other case, in such manner and at such time before the close of a Meeting as a Chairperson directs, and the resolution of a poll on the matter shall be deemed to be the resolution of the Meeting on that matter.

## **29. SPECIAL RESOLUTION**

A resolution of the Association is a special resolution if:

- (a) It is passed by a majority which comprises not less than two-thirds (2/3) of such members of the Association as, being entitled under the Rules of the Association so to do, are present and vote in person at a General Meeting of which not less than twenty-one (21) days notice specifying the intention to propose the resolution as a special resolution was given in accordance with these Rules;
- or
- (b) Where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) – the resolution is passed in a manner specified by the Commission.

## **30. VOTING**

- (a) Upon any question arising at a General Meeting of the Association, a member has one (1) vote only.
- (b) All votes shall be given personally.
- (c) In the case of an equality of votes on a question at a General Meeting, the Chairperson of the Meeting is entitled to exercise a second or casting vote, unless the Chairperson has been appointed pursuant to Rule 26(b).
- (d) A person is not entitled to vote at any General Meeting of the Association unless all money due and payable by the person to the Association has been paid and the person's membership ratified by the Committee.

### **31. INSURANCE**

- (a) The Association shall effect and maintain insurance pursuant to Section 44 of the Act.
- (b) In addition to the insurance required under Clause (a), the Association may effect and maintain other insurance.

### **32. ALTERATIONS OF OBJECTIVES AND RULES**

- (a) The statement of Objectives and Aims and these Rules may be altered, rescinded or added to only by a special resolution of the Association. If the Association is registered or is exempted from registration by or under the Charitable Fundraising Act, 1991, and the Charitable Fundraising Regulations, 1993 the Minister of the Crown for the time being administering the Charitable Fundraising Act, 1991 and the Charitable Fundraising Regulations, 1993 shall also be notified of the alteration, rescission or addition as the case may be and such alteration, rescission or addition shall not be effective unless the Minister has signified his approval to the alteration, rescission or addition.

### **33. COMMON SEAL**

- (a) The common seal of the Association shall be kept in the custody of the Public Officer.
- (b) The common seal shall not be affixed to any instruction, dealing or document except by the authority of the Committee and the affixing of the common seal shall be attested by the signatures of either two (2) members of the Committee or one (1) member of the Committee and of the Public Officer or Secretary.

### **34. CUSTODY OF BOOKS, ETC.**

Except as otherwise provided by these Rules, the Public Officer shall keep in his/her custody or under his/her control all records, books and other documents relating to the Association.

### **35. INSPECTION OF BOOKS, ETC.**

The records, books and other documents of the Association shall be open to inspection, free of charge by a member of the Association at any reasonable hour.

### **36. SERVICE OF NOTICES**



- (a) For the purpose of these Rules, notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (b) Where a document is sent to a person by properly addressing, pre-paying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these Rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

### **37. WINDING UP/DISSOLUTION**

If upon winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed amongst the members of the Association but shall be given or transferred to some other Association having objects similar to those of this Association and which shall prohibit the distribution of its or their income and property amongst its or their members, and is both exempt from income tax and is a fund, authority or institution approved under sub-section 78(4) of the Income Tax Assessment Act, 1936.

### **38. RESOLUTION OF INTERNAL DISPUTES**

The Management Committee shall ensure that a mechanism is established for resolving internal disputes within its membership. This mechanism shall include:

- (i) a process to bring the parties together to resolve the dispute at an early stage;
- (ii) a process to ensure that all parties receive a full and fair opportunity of presenting their case;
- (iii) the appointment of an independent person to arbitrate in the dispute;
- (iv) where the dispute cannot be resolved internally by arbitration or mediation to refer the matter to a Community Justice Centre.

### **39. INCOME AND PROPERTY**

- (a) The income and property of the Association whencesoever derived shall be applied solely towards the promotion of the objects of the Association as set out herein and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to or amongst the members of the Association.
- (b) Provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of monies advanced by him/her or of remuneration to any officers or servants of the Association, or to any member of the Association, or other person in return for any services actually rendered to the Association.

- (c) Provided further that nothing herein contained shall be construed so as to prevent the repayment to any member of out of pocket expenses, money, interest on money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association.

#### **40. DEALING WITH COMPLAINTS**

The Management Committee shall ensure that a mechanism is established that will properly and effectively deal with complaints made by members of the public and grievances from employees.

#### **41. ADDITIONAL RULES APPLICABLE TO CHARITIES**

The following Rules apply where the Association is registered under or is exempted from registration by or under the Charitable Collections Act, 1934:

- (a) A member of the Committee shall not be appointed to any salaried office of the Association or any office of the Association paid by fees, and no remuneration or other benefit in money or moneys worth shall be given by the Association to any member of the Committee except;
  - (i) repayment of out-of-pocket expenses
  - (ii) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Association's bankers as for money lent to the Association;  
  
and
  - (iii) reasonable and proper rent for premises let to the Association.
- (b) Without limiting the operation of Rule 16 the office of a member of the Committee shall become vacant if:
  - (i) the member holds an office of profit in the Association;
  - (ii) the member is directly or indirectly interested in any contract or proposed contract with the Association.
- (c) A proposed alteration of the Rules or the Objectives and Aims of the Association shall be notified to the Minister administering the Charitable Fundraising Act, 1991 and the Charitable Fundraising Regulations, 1993 in the manner required by the regulations under these Acts.
- (d) The Association shall comply with such of the provisions of the Charitable Fundraising Act, 1991 and the Charitable Fundraising Regulations, 1993 and the regulations thereunder as are applicable to them.

**42. GENERAL FUND**

The Association shall have a General Fund ("the General Fund") derived from entrance fees and annual subscriptions of members and excepting donations and gifts, such other sources as the Association determines in General Meeting.

**43. THE GENERAL FUND – MANAGEMENT**

- (a) Funds for the General Fund shall be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- (b) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.
- (c) Subject to any resolution passed by the Association in General Meeting, the funds for the General Fund shall be used in pursuance of the Objectives and Aims of the Association in such manner as the Committee determines.
- (d) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two (2) members of the Committee or employees of the Association, being members or employees authorised to do so by the Committee.
- (e) All payments in excess of ten dollars (\$10.00) made by the Association shall be paid by cheque.
- (f) The Committee may authorise the Treasurer from time to time to establish and operate a Petty Cash Fund to meet payments less than ten dollars (\$10.00) and proper records of all transactions to and from such Fund shall be maintained.

**44. THE PUBLIC FUND – SOURCES AND NAME**

- (a) The Association shall also have a Public Fund ("the Public Fund") derived from the following sources:
  - (i) gifts or donations of money to the Public Fund provided that the same can only be credited to the Public Fund if given or donated for the environmental purpose or purposes of the Association as outlined in the Objectives and Aims;
  - and
  - (ii) property given or donated to the Public Fund;
  - and
  - (iii) money derived from the property given to the Public Fund;

and

- (iv) interest on any money in the Public fund.
- (b) The Public Fund shall not derive its funds from any other source other than as provided in sub-clause (a) hereof.
- (c) The name of the Public Fund shall be the "Public Fund of the Northern Rivers Wildlife Carers Inc."

#### **45. THE PUBLIC FUND – GENERAL AND ACCOUNTS**

(a) PURPOSE

The Public Fund shall only be used to support the environmental purposes of the Association as outlined in the General and Specific Objectives and Aims as provided in the Rules of the Association.

(b) OBJECTIVES

The Objectives of the Public Fund are to receive moneys and property gifted or donated to further the environmental purposes of the Association as outlined in the Objectives and Aims as provided in the Rules of the Association.

(c) INVITATION TO THE PUBLIC

Members of the public must be invited from time to time to contribute to the Public Fund.

(d) ACCOUNTS

- (i) The accounts of the Public Fund are to be kept separate and distinct from the accounts of the Association and the Committee shall establish a bank account and books of account for the Public Fund.
- (ii) The Committee shall be responsible for the deposit into the bank account of the Public Fund of all funds received from the sources provided in Rule 44 hereof.
- (iii) Receipts must be issued in the name of the Public Fund.

(e) MANAGEMENT COMMITTEE OF THE PUBLIC FUND

The Public Fund shall be managed by a Sub-Committee of five (5) persons being the Chairperson and the Treasurer and three (3) other persons appointed by the Committee each of whom shall hold one or more of the qualifications set out in Eligibility Criterion 5 of the Eligibility Criteria for the Register of Environmental Organisations dated 18 August 1992 or any subsequent criterion issued replacing or amending the same.

(f) DISTRIBUTION OF FUNDS PROHIBITED

The funds of the Public Fund shall not, under any circumstances, be distributed to members of the Association or trustees of the fund (if any) with the exception that remuneration can, at the discretion of the Committee, be paid for administrative services.

(g) OPERATION ON A NON-PROFIT BASIS

The Public fund is to operate on a non-profit basis.

(h) ANNUAL STATISTICAL RETURN

The Association will provide to the Department of the Environment, Sport and Territories, Canberra, ACT, within four (4) months after the end of each financial year, statistical data about gifts to it's Public Fund during the financial year.

(i) COMPLIANCE WITH OTHER RULES

The Association will comply with any other Rules that may from time to time be announced by the Treasurer or the Minister with the responsibility for the environment applicable to public funds of the nature of the Public Fund established and operated.

(j) CHANGES TO BE ADVISED

The Committee will advise the Department of the Environment, Sport and Territories, Canberra, ACT, of any changes to the constitution of the Public Fund or any other founding document and to changes to members of the Management Committee of the Public Fund.

(k) WINDING UP

In the event of winding up of the public Fund, surplus assets are to be transferred to an environmental body listed on the Register of Environmental Organisations with similar objectives to the Association.

(l) CONDUIT POLICY

The allocation by the Association of any funds or property to other organisations, persons or groups shall be made in accordance with the established Objectives of the Association and not be influenced by the expressed preference or interest of a particular donor to the Association.

(m) RULES OF PUBLIC FUND

The Rules of the Public Fund are constituted by Clauses 44 and 45 hereof.