

ENVIRONMENTAL DEFENDERS OFFICE (TASMANIA) INCORPORATED

RULES OF ASSOCIATION (as amended 30 September 2008)

Name of Association

1. The name of the association shall be the Environmental Defenders Office (Tasmania) Incorporated (in these rules called "the Association").

Interpretation

2. (1) In these rules, unless the contrary intention appears - "committee" means the committee of management of the Association; "general meeting" means a general meeting of members convened in accordance with rule 13; "ordinary committee-person" means a member of the committee to whom paragraph (b) of sub-rule (1) of rule 23 relates; "notice" includes that provided via electronic mail; "written notice" includes that provided via electronic mail; "present" in the context of quorum at a general or committee meeting includes via telephone link with the meeting.
(2) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1931 and the Act as in force on the date on which these rules are adopted by the Association.

Association's office

3. The office of the Association shall be at 131 Macquarie Street, Hobart, in Tasmania or such other place as the committee may from time to time determine.

Objects and purposes of the Association

4. The objects of the Association are:
 - (1) The principal object of the Association is to protect, conserve and enhance the natural environment.
 - (2) The further object of the Association is to protect, conserve and enhance other aspects of the environment beyond the natural environment.
 - (3) These objects will be achieved by pursuing the further goals of the Association, which are:
 - (a) To provide legal advice and assist with access to legal services on environmental law matters for disadvantaged persons and classes of persons for whose needs the services of lawyers in private practice are inadequate.
 - (b) To promote and procure the provision of legal services for disadvantaged persons or classes of persons without fee or on a fee-reduced basis in relation to environmental problems;

- (c) To encourage the solution of environmental problems in a way which is compatible with the principles of ecologically sustainable development;
- (d) To increase community awareness and understanding of environmental law;
- (e) To promote effective forms of alternative dispute resolution in relation to disputes concerning environmental protection, conservation and enhancement;
- (f) To carry out and publish research on the administration of environmental law;
- (g) To advocate for law reform for the purposes of protecting, conserving and enhancing the environment and ensuring effective public participation in public decision making processes relevant to environmental protection, conservation and enhancement.
- (h) To promote the expansion and integrity of the Association within Tasmania.
- (i) To establish and maintain a public fund, to be called the "EDO (Tas) Gift Fund" for the specific purpose of supporting the environmental objects/purposes of the Association. The fund must comply with the rules set out in clause 37.

Membership of Association

5. (1) A person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association, on payment of the annual subscription prescribed in, or fixed under, these rules.
- (2) A person who is not a member of the Association at the time of the incorporation of the Association shall not be admitted to membership
 - (a) unless they are nominated as provided in sub-rule (3) of this rule; and
 - (b) their admission as a member is approved by the committee.
- (3) A nomination of a person for membership of the Association
 - (a) shall be made in writing, signed by two members of the Association;
 - (b) shall be accompanied by the written consent of the person nominated (which may be endorsed on the form of nomination); and
 - (c) shall be lodged with the public officer of the Association.
- (4) As soon as is practicable after the receipt of a nomination, the public officer shall refer the nomination to the committee and the committee may in its absolute discretion decline to approve any nomination for membership without being required to give any reason therefor.
- (5) Upon a nomination being approved by the committee, the public officer shall, with as little delay as possible, notify the nominee, in writing, that they have been approved for membership of the Association and, upon receipt of the sum payable by or on behalf of the nominee as their first year's subscription, shall enter the nominee's name in a register of members to be kept by the public officer, whereupon the nominee becomes a member of the Association.

(6) A member of the Association may, at any time, resign from the Association by delivering or sending by post to the public officer a written notice of resignation.

(7) Upon receipt of a notice under sub-rule (6) of this rule, the public officer shall remove the name of the member by whom the notice was given from the register of members, whereupon that member ceases to be a member of the Association.

(8) A right, privilege, or obligation of a person by virtue of their membership of the Association -

(a) is not capable of being transferred or transmitted to another person; and

(b) terminates upon the cessation of their membership, whether by death, resignation, or otherwise.

9) In the event of the Association being wound up:

(a) every member of the Association; and

(b) every person who, within the period of twelve months immediately preceding the commencement of the winding up, was a member of the Association is liable to contribute to the assets of the Association for payment of the debts or liabilities of the Association and for the costs, charges, and expenses of the winding up and for the adjustment of the rights of the contributories among themselves such sum, not exceeding \$10 as may be required but a former member is not liable so to contribute in respect of any debt or liability of the Association contracted after they ceased to be a member.

Income and property of the Association

6. (1) The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects and purposes of the Association and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the Association.

(2) The Association shall not

(a) appoint a person who is a member of the committee to any office in the gift of the Association to the holder of which there is payable any remuneration by way of salary, fees, or allowances; or

(b) pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of out-of-pocket expenses).

(3) Nothing in the foregoing provisions of this rule prevents the payment in good faith to a servant or member of the Association (including a member of the committee) of:

(a) remuneration in return for services actually rendered to the Association by the servant or member or for goods supplied to the Association by the servant or member in the ordinary course of business;

- (b) interest on moneys lent to the Association by the servant or member at a rate not exceeding the rate being charged by its bank to the Association on an overdraft or which would be charged by the bank to the Association if it had an overdraft; or
- (c) a reasonable and proper sum by way of rent for premises let to the Association by the servant or member.

Accounts of receipts, expenditure, etc.

- 7. (1) True and fair accounts shall be kept -
 - (a) of all sums of money received and expended by the Association and the matter in respect of which the receipt or expenditure takes place; and
 - (b) of the property, assets, and liabilities of the Association, and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Association for the time being, those accounts shall be open to the inspection of the members of the Association.
- (2) All general records, accounting books and records of receipts and expenditure connected with the operations and business of the Association shall faithfully be kept in such form and manner as the committee may direct.
- (3) The accounts, books, and records referred to in sub-rules (1) and (2) of this rule shall be kept at the Association's office or at such other place as the committee may decide.

Banking and finance

- 8. (1) The Treasurer or Secretary shall, on behalf of the Association, receive all moneys paid to the Association, and forthwith after the receipt thereof issue official receipts for any payments.
- (2) The committee shall cause to be opened with such bank as the committee selects a banking account in the name of the Association into which all moneys received shall be paid as soon as possible after receipt thereof.
- (3) The committee may receive from the Association's bank or bankers for the time being the cheques drawn by the Association on any of its accounts indemnify the bank or bankers from and against all claims, actions, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Association.
- (4) Except with the authority of the committee, no payment of a sum exceeding One Hundred Dollars shall be made from the funds of the Association otherwise than by cheque drawn on the Association's bank account, but the committee may provide for a sum to meet minor expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the committee may impose.

(5) All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by the President or, in their absence, by such other member or members of the committee as the committee may nominate for that purpose, and shall be countersigned by the Public Officer or any employed lawyer of the Association approved by the Committee.

Auditor

9. (1) At each annual general meeting of the Association, the members present shall appoint a person as the auditor of the Association.
- (2) A person so appointed shall hold office until the annual general meeting next after that at which they are appointed, and is eligible for re-appointment.
- (3) The first auditor of the Association may be appointed by the committee before the first annual general meeting, and, if so appointed, shall hold office until the first annual general meeting, unless previously removed by a resolution of the members at a general meeting, in which case the members at that meeting may appoint an auditor to act until the first annual general meeting.
- (4) If an appointment is not made at an general meeting the committee shall appoint an auditor of the Association for the then current financial year of the Association.
- (5) Except as provided in sub-rule (3) of this rule, the auditor may only be removed from office by special resolution.
- (6) If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association, the committee may appoint a person as the auditor and the person so appointed shall hold office until the next succeeding annual general meeting.

Audit of Accounts

10. (1) Once at least in each financial year of the Association, the accounts of the Association shall be examined by the auditor.
- (2) The auditor shall report as to the truth and fairness of the accounts of the Association to the members at the annual general meeting.
- (3) In their report, the auditor shall state:
 - (a) whether they have obtained the information required by them;
 - (b) whether, in their opinion, the accounts are properly drawn up so as to exhibit a true and fair view of the financial position of the Association according to the information at their disposal and the explanations given to them and as shown by the books of the Association; and
 - (c) whether the rules relating to the administration of the funds of the Association have been observed.

(4) The public officer of the Association shall cause to be delivered to the auditor a list of all the accounts, books, and records of the Association.

(5) The auditor -

(a) has a right of access to the accounts, books, records, vouchers, and documents of the Association;

(b) may require from the servants of the Association such information and explanations as may be necessary for the performance of their duties as auditor;

(c) may employ persons to assist them in investigating the accounts of the Association; and

(d) may, in relation to the accounts of the Association, examine any member of the committee or any servant of the Association.

Annual general meeting

11. (1) The Association shall, in each year, hold an annual general meeting.

(2) The annual general meeting shall be held on such day (being not later than three months after the close of the financial year of the Association) as the committee may determine.

(3) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

(4) The annual general meeting shall be specified as such in the notice convening it.

(5) The ordinary business of the annual general meeting shall be -

(a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;

(b) to receive from the committee, auditor, and servants of the Association reports upon the transactions of the Association during the last preceding financial year;

(c) to elect the officers of the Association and the ordinary committee persons;

(d) to appoint the auditor and determine their remuneration; and

(e) to determine the remuneration of servants of the Association.

(6) The annual general meeting may transact special business of which notice is given in accordance with these rules.

(7) All general meetings other than the annual general meeting shall be called special general meetings.

Special general meetings

12. (1) The committee may, whenever it thinks fit, convene a special general meeting of the Association.

(2) The committee shall, on the requisition in writing of not less than two members, convene a special general meeting of the Association.

(3) A requisition for a special general meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the office of the Association and may consist of several documents in the like form each signed by one or more of the requisitionists.

(4) If the committee does not cause a special general meeting to be held within twenty-one days from the date on which a requisition therefor is deposited at the office of the Association, the requisitionists, or any of them, may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.

(5) A special general meeting convened by requisitionists in pursuance of these rules shall be convened in the same manner by the committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring them.

Notices of general meetings

13. The public officer of the Association shall, at least fourteen days before the date fixed for holding a general meeting of the Association, cause to be delivered to or posted to each member of the Association a notice specifying the place, day and time for the holding of the meeting, and the nature of the business to be transacted thereat.

Business and quorum at general meetings

14. (1) All business that is transacted at special general meetings and all business that is transacted at the annual general meeting, with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting, shall be deemed to be special business.
- (2) 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 when the meeting is considering that item.
- (3) Five members personally present (being members entitled under these rules to vote thereat) constitute a quorum for the transaction of the business of a general meeting.
- (4) 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, it shall stand adjourned to the same day in the next week, at the same time and (unless another place is specified by the President at the time of the adjournment or by

written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.

President to preside at general meetings

15. The President, or in their absence, the Vice President shall preside at every general meeting of the Association.

Adjournment of general meetings

16. (1) The President of a general meeting at which a quorum is present may, with the consent of 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 set out in the notice of meeting and left unfinished or not dealt with at the meeting at which the adjournment took place.
(2) Where a meeting is adjourned for fourteen days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.
(3) Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

Determination of questions arising at general meetings

17. 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 result of the show of hands a poll is demanded, a declaration by the President that a resolution has, on a show of hands, been carried, or carried unanimously, or carried by a particular majority, or lost, and 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.

Votes

18. (1) Upon any question arising at a general meeting of the Association, a member has one vote only.
(2) All votes shall be given personally.
(3) In the case of an equality of voting on a question the President of the meeting is entitled to exercise a second or casting vote.

Taking of poll

19. If at a meeting a poll on any question is demanded it shall be taken at that meeting in such a manner as the President may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

When poll to be taken

20. A poll that is demanded on the election of a President, or on a question of adjournment, shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the President may direct.

Affairs of the Association to be managed by a committee

21. (1) The affairs of the Association shall be managed by a committee of management constituted as provided in Rule 23.
- (2) The committee:
- (a) shall control and manage the business and affairs of the Association;
 - (b) may, subject to these rules, exercise all such powers and functions as may be exercised by the Association, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Association;
 - (c) subject to the Act and these rules, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association;

Officers of the Association

22. (1) The officers of the Association shall be:
- (a) a President;
 - (b) a Vice President
 - (c) a Secretary
 - (d) a Treasurer;
 - (e) a Public Officer.
- (2) The provisions of sub-rules (2),(3) and (4) of rule 24, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-rule (1) of this rule.
- (3) Each officer of the Association shall hold office until the annual general meeting next after the date of their election but is eligible for re-election.

(4) In the event of a casual vacancy in any office mentioned in sub-rule (1) of this rule, the committee may appoint one of its members to the vacant office, and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his/her appointment.

Constitution of the committee

23. (1) The committee shall consist of:

- (a) the officers of the Association; and
- (b) five other members all of whom shall be elected at the annual general meeting of the Association in each year.

(2) Each ordinary committeeperson shall, subject to these rules, hold office until the annual general meeting next after the date of their election, but is eligible for re-election.

(3) In the event of a casual vacancy occurring in the office of an ordinary committeeperson, 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 his/her appointment.

Election of numbers of committee

24. (1) Nominations of candidates for election as officers of the Association or as ordinary committeepersons -

(a) shall be made in writing signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

(b) shall be delivered to the public officer of the Association at least ten days before the date fixed for the holding of the annual general meeting.

(2) 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.

(3) 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

(4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.

(5) The ballot for the election of officers and ordinary committeepersons shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

Vacation of office

25. For the purposes of these rules, the office of an officer of the Association or of an ordinary committeeperson becomes vacant if the officer or committeeperson
- (a) dies;
 - (b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with their creditors or makes any assignment of their estate for their benefit;
 - (c) becomes of unsound mind;
 - (d) resigns their office by writing under their hand addressed to the committee;
 - (e) ceases to be resident in the State;
 - (f) fails, without leave granted by the committee, to attend three consecutive meetings of the committee;
 - (g) ceases to be member of the Association;
 - (h) fails to pay all arrears of subscription due by them within fourteen days after they have received a notice in writing signed by the public officer stating that they have ceased to be a financial member of the Association.

Meetings of the Committee and of sub-committees

26. (1) The committee shall meet at least once in each month at such place and at such times as the committee may determine.
- (2) Special meetings of the committee may be convened by the President or any five of its members
- (3) Notice shall be given to members of the committee of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.
- (4) Any five members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (5) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for a meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting, in which case it lapses.
- (6) At meetings of the committee the President, or in their absence the Vice President, shall preside.
- (7) Questions arising at meetings of the committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

- (8) Each member present at a meeting of the committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (9) Written notice of each committee meeting shall be served on each member of the committee by delivering it to them at a reasonable time before the meeting or by sending it by post in a prepaid letter addressed to them at their usual or last known place of abode in time to reach them in due course of post before the date of the meeting.

Disclosure of interests, contracts, etc.

27. (1) A member of the committee who is interested in any contract or arrangement made or proposed to be made with the Association shall disclose their interest at the first meeting of the committee at which the contract or arrangement is first taken into consideration, if their interest then exists, or, in any other case, at the first meeting of the committee after the acquisition of their interest .
- (2) If a member of the committee becomes interested in a contract or arrangement after it is made or entered into they shall disclose their interest at the first meeting of the committee after they become so interested.
- (3) No member of the committee shall vote as a member of the committee in respect of any contract or arrangement in which they are interested and if they do so vote their vote shall not be counted.

Sub-committees and executive committee

28. (1) The committee may at any time appoint a sub-committee from the committee as it may think fit and shall prescribe the powers and functions thereof.
- (2) The committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not those persons are members of the Association, but a person so co-opted is not entitled to vote.
- (3) Two appointed members of a sub-committee constitute a quorum at a meeting of the sub-committee.
- (4) The public officer of the Association is responsible for calling meetings of a sub-committee.
- (5) Written notice of each sub-committee meeting shall be served on each member of the sub-committee by delivering it to him at a reasonable time before the meeting or by sending it by post in a prepaid letter addressed to him at his usual or last-known place of abode in time to reach him in due course of post before the date of the meeting.
- (6) The President, Vice President and Secretary/Treasurer or any two of them constitute an executive committee, which may issue instructions to the public

officer and the servants of the Association in matters of urgency connected with the management of the affairs of the Association during the intervals between meetings of the committee, and where any such instructions are issued shall report thereon to the next meeting of the committee.

Annual subscription

29. (1) Until otherwise fixed pursuant to sub-rule (2) of this rule, the annual subscription payable by members shall be the sum of twenty dollars (\$20) plus GST.
 (2) The amount of the annual subscription may be altered from time to time by the members by special resolution.
 (3) The annual subscription of a member is due and payable on or before the first day of the financial year of the Association.

Financial year

30. The financial year of the Association is the period beginning on 1st day of July in each year and ending on the 30th day of June next following.

Notices

31. A notice may be served by or on behalf of the Association upon any member either personally or by sending it through the post in a prepaid letter addressed to the member at their usual or last-known place of abode.

Expulsion

32. (1) Subject to this rule, the committee may expel a member from the Association if, in the opinion of the committee, the member has been guilty of conduct detrimental to the interests of the Association.
 (2) The expulsion of a member pursuant to sub-rule (1) of this rule does not take effect:
 (a) until the expiration of fourteen days after the service on the member of a notice under sub-rule (3) of this rule; or
 (b) if the member exercises their right of appeal under this rule until the conclusion of the special general meeting convened to hear the appeal, whichever is the later date.
 (3) Where the committee expels a member from the Association, the public officer of the Association shall, without undue delay, cause to be served on the member a notice in writing:

- (a) stating that the committee has expelled the member;
 - (b) specifying the grounds for the expulsion; and,
 - (c) informing the member that if they so desire they may, within fourteen days after the service of the notice on them, appeal against the expulsion as provided in this rule.
- (4) A member on whom a notice under sub-rule (3) of this rule is served may appeal against the expulsion to a special general meeting by delivering or sending by post to the public officer of the Association, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his/her appeal.
- (5) Upon receipt of a requisition under sub-rule (4) of this rule, the public officer shall forthwith notify the committee of its receipt and the committee shall thereupon cause a special general meeting of members to be held within twenty-one days after the date on which the requisition is received by the public officer.
- (6) At a special general meeting convened for the purpose of this rule:
- (a) no business other than the question of the expulsion shall be transacted;
 - (b) the committee may place before the meeting details of the grounds of the expulsion and the committee's reasons for the expulsion;
 - (c) the expelled member shall be given an opportunity to be heard, and
 - (d) the members present shall vote by secret ballot on the question whether the expulsion should be lifted or confirmed.
- (7) If at the special general meeting a majority of the members present votes in favour of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled member is entitled to continue their membership of the Association.
- (8) If at the special general meeting a majority of the members present vote in favour of the confirmation of the expulsion, the expulsion takes effect, and the expelled member ceases Association.

Disputes

33. (1) Subject to this rule, a dispute between a member of the Association, in their capacity as a member, and the Association shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1892.
- (2) Nothing in this rule affects the operation or effect of rule 32.

Seal of the Association

34. (1) The seal of the Association shall be in the form of a rubber stamp inscribed with the name of the Association encircling the word "Seal".

(2) The seal of the Association shall not be affixed to any instrument except by the authority of the committee, and the affixing thereof shall be attested by the signatures either of two members of the committee or of one member of the committee and of the public officer of the Association or such other person as the committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee.

(3) The seal shall remain in the custody of the public officer.

Alteration to rules

35. The rules of the Association may be altered by special resolution. The alterations shall be considered at a general meeting of the Association the notice for which shall set out all changes proposed and the reasons therefor.

Distribution of surplus assets on dissolution

36. If upon the winding up or dissolution of the Association there remains, after the satisfaction of all its debts and liabilities, any property whatsoever the same shall not be paid to or distributed among the members of the Association but shall subject to Section 33 of the Associations Incorporation Act 1964 be given or transferred to some other institution or institutions having objects similar to the objects of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Association, such institution or institutions to be determined by the Committee of the Association at or before the time of dissolution and in default thereof by a Judge of the Supreme Court of Tasmania and if and so far as effect cannot be given to the aforesaid provision, then to some charitable object.

The EDO (Tas) Gift Fund

37. (1) If clause 37 is inconsistent with any other clause of these rules, clause 37 prevails to the extent of the inconsistency.

(2) The association establishes and will maintain a public fund, called the 'EDO (Tas) Gift Fund', for the specific purpose of supporting the environmental objects/purposes of the association. The EDO (Tas) Gift Fund (the "**Fund**") is established to receive all gifts of money or property for this purpose and any money received because of such gifts must be credited to its bank account. The Fund must not receive any other money or property into its account and it must comply with subdivision 30-E of the Income Tax Assessment Act 1997.

(3) Rules governing the Fund:

(a) The objective of the Fund is to support the association's environmental purposes.

- (b) Members of the public are to be invited to make gifts of money or property to the Fund for the environmental purposes of the association.
 - (c) Money from interest on donations, income derived from donated property, and money from the realization of such property is to be deposited into the Fund.
 - (d) A separate bank account is to be opened to deposit money donated to the Fund, including interest accruing thereon, and gifts to it are to be kept separate from other funds of the association.
 - (e) Receipts are to be issued in the name of the Fund and proper accounting records and procedures are to be kept and used for the Fund.
 - (f) The Fund will be operated on a not-for-profit basis.
 - (g) A committee of management of no fewer than three persons will administer the Fund. The committee will be appointed by the association. A majority of the members of the committee are required to be 'responsible persons' as defined by the Guidelines to the Register of Environmental Organisations.
- (4) Additional provisions in relation to the Fund
- (a) The association must inform the Commonwealth Department responsible for the environment as soon as possible if it changes its name or the name of the Fund; or there is any change to the membership of the management committee of the Fund; or there has been any departure from the model rules for public funds.
 - (b) The association agrees to comply with any rules that the Treasurer and the Minister with responsibility for the environment may make to ensure that gifts made to the Fund are only used for its principal purpose.
 - (c) The income and property of the association shall be used and applied solely in promotion of its objects and no portion shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or by way of profit to members, directors, or trustees of the association.
 - (d) Any allocation of funds or property to other persons or organization will be made in accordance with the established purposes of the association and not be influenced by the preference of the donor.
 - (e) In case of the winding-up of the Fund, any surplus assets are to be transferred to another fund with similar objectives that is on the Register of Environmental Organisations.
 - (f) Statistical information requested by the Department on donations to the Fund will be provided within four months of the end of the financial year. An Audited financial statement for the association and the Fund will be supplied with the annual statistical return. The statement will provide information on the expenditure of public fund monies and the management of public fund assets.
- (5) This clause is self-explanatory and is a mandatory requirement of Environment Australia for registration as an 'environmental organisation'.