

SLA AGM 2010 Special Resolution

We, the members of Sustainable Living Armidale Inc., resolve that the constitution and rules of the association be amended as follows:

1) That clause **37 a.** be changed from

'Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.'

to

'Subject to any resolution passed by the Association in general meeting, the funds of the Association are to be used in pursuance of the vision, mission and values of the Association as specified in clause 3 of the Association's constitution and rules in such manner as the Committee determines. Further, no portion of the funds of the Association shall be distributed, directly or indirectly, to members of the Association except as *bona fide* compensation for services rendered or expenses incurred on behalf of the Association.'

and

2) That the following new clauses be added:

43. Winding up

In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association must be disposed of in accordance with the provisions of the Act. In the event of the winding up or the cancellation of the incorporation of the Association, the amount that remains, after such dissolution and the satisfaction of all debts and liabilities, shall be transferred to another association with similar purposes which is not carried on for the profit or gain of its individual members, providing it is in accordance with the provisions of the Act. In the event of winding up the Fund see clause **44 f.**

44. Sustainable Living Armidale Fund

a. Establishment

A public fund, called the Sustainable Living Armidale Fund (the Fund), is established and maintained to receive all gifts of money or property for the specific objective of supporting the environmental purposes of the Association. The Fund will not receive any other money or property into the account established for the Fund and will comply with subdivision 30-E of the *Income Tax Assessment Act 1997*.

b. Governance

The Fund will be governed by a committee of management, appointed by the Sustainable Living Armidale Coordinating Committee, which will abide by the following rules:

- i.** The objective of the Fund is as stated in clause **44 a.**
- ii.** 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.
- iii.** Money from the interest on donations, income derived from donated property, and money from the realisation of such property is to be deposited into the Fund.
- iv.** 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.

- v. 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.
- vi. The fund will be operated on a not-for-profit basis.
- vii. A committee of management will consist of no fewer than three persons. 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.

c. Requirements of the public fund

The Association must inform the Department responsible for the environment as soon as possible if:

- It changes its name or the name of its public fund; or
- There is any change to the membership of the management committee of the public fund; or
- There has been any departure from the model rules for public funds located in the Guideline to the Register of Environmental Organisations.

d. Ministerial Rules

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.

e. Conduit Policy

Any allocation of funds or property to other persons or organisations will be made in accordance with the established purposes of the Association and not be influenced by the preference of the donor.

f. Winding up

In the case of 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.

g. Statistical Information

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 its public fund will be supplied with the annual statistical return. The statement will provide information on the expenditure of public monies and the management of public fund assets.