

FAUNA RESCUE OF SOUTH AUSTRALIA INCORPORATED CONSTITUTION

Amended July 2002

To be read in conjunction with the **FAUNA RESCUE OF SOUTH AUSTRALIA INC - BYLAWS**

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1. NAME

The name of the Association is **Fauna Rescue of South Australia Incorporated**

("the Association").

2.OBJECTIVES

The objectives of the Association are:

- (1) to support the rescue, rehabilitation, preservation and/or release of native wildlife.;
- (2) to contribute to the prevention of undue suffering to all wildlife;
- (3) to provide information to members and the community regarding the care and welfare of native wildlife;
- (4) to assist in the release of rehabilitated native fauna back into the wild from whence they came whenever appropriate.
- (5) to do all such other things incidental to the attainment of the objectives of the Association.

3. POWERS

(1) in addition to all the powers conferred by Section 25 of the Associations Incorporation Act, 1985 the Association has all the following powers;

(2) to solicit, receive and accept donations, subscriptions, endowments, gifts, grants and loans of money or any other property.

4. MEMBERSHIP

(1) Members are persons or organisations who have:

(a) - agreed to accept the objectives of the Association;

(b) - paid the prescribed membership fee for:

- single or concession single

- family or concession family

- student (over 18 years of age)

- organisation

(Note: children less than 18 years are welcome to join but must do so with a supporting parent/guardian as a family membership)

(c) - applied in writing on the prescribed form for membership

(d) - been accepted by the membership steward unless overridden by the majority at the next committee meeting

(2) the Committee has the right to refuse an applicant for membership or renewal of membership without reason

(3) an Organisation Member (ie) business/company/etc, may appoint a representative who may speak and vote on its behalf and be subject to the same constitutional rules and regulations as a member.

(4) Honorary membership may be granted for a determined period of time, to whomsoever is deemed appropriate by the Committee. Honorary memberships are to be reviewed annually.

(5) The Committee, may censure or dismiss members who are acting in a manner prejudicial to the best interests of the Association. This shall only occur after conducting proper review with the member when

ever possible Such member may appeal in writing or in person to the Committee at the next committee meeting.

5. COMMITTEE

- (1) Management is vested in the committee of not less than 12 and not more than 20 members who have been members of the association for at least 12 months immediately prior to nomination.
- (2) Chairperson, Secretary, Treasurer and committee members must be nominated and elected at the A.G.M. and hold office until the next A.G.M. Committee members can be nominated for re-election.
- (3) The committee must at its first meeting following the AGM, elect from its members, the administrative positions as listed in the bylaws.
- (4) Vacancies may be filled by co-opting members. The committee may waive the requirement in clause 5 (1) to co-opt a member if the applicant has the pre-required experience and/or the skills for the vacant position.
- (5) The committee shall meet not less than 10 times a year;
- (6) A quorum for a committee meeting shall be half the committee numbers plus one.
- (7) Notice of committee meetings must be given at the previous committee meeting or by 7 days written/electronic notice distributed to all committee members or in an emergency by such other means as ratified by the committee.
- (8) A committee member ceases to hold office upon;
 - (a) the presentation of written resignation to the secretary at the next committee meeting.
 - (b) absence from three committee meetings without satisfactory explanation or apology.
 - (c) preclusion by the Associations Incorporation Act
- (d) The committee may censure or remove a committee member from their position for failure to perform the committee duties in a proper and acceptable manner.
- (9) The committee may appoint an administrative panel of three committee members, at least one of whom must be office bearers, who may decide on urgent matters which must be dealt with quickly. These decisions must be ratified at the next committee meeting.
- (10) The committee may form sub-committees for specific purposes. Sub committees must report back to the main committee regularly.
- (11) The committee will appoint coordinators from time to time to coordinate rescue, rehabilitation and release of wild life. Coordinators shall be responsible to the committee.
- (12) Members of the committee must declare their membership of other similar organisations and, as a committee member, always place the interests of the association as the first priority.

6 Chairperson

- (1) The chairperson shall chair general and committee meetings except that in the absence of the chairperson or at the request of the chairperson or of a majority at a meeting another member may be elected as chairperson for that meeting.

(2)The chairperson of a meeting shall encourage full balanced participation by all members and shall decide on matters of order.

(3)The chairperson together with the secretary shall prepare the agenda for committee and general meetings.

(4)The chairperson shall also hold the position of Public Officer.

(5) The chairperson shall act as spokesperson for the Association.

7 Secretary

(1) The secretary must give notice of meetings with an agenda in accordance with the provisions of this constitution.

(2)The secretary must ensure that records of the association are kept, including the constitution and by-laws, policies, register of minutes of meetings and of notices, a correspondence file, records of submissions and reports made by, to, or on behalf of the Association.

8 Treasurer

(1) The treasurer must ensure that records are kept of all receipts, payments and other financial transactions. All monies to be paid into an account authorised by the committee in the name of the Association. A special Gift Fund account shall be opened for the receipts of donations, monies of which are to be used for the betterment of the objectives of the Association.

(2)The treasurer must ensure that financial accounts and statements are prepared and that a written report on the finances is submitted to the committee at each meeting.

(3)The treasurer shall ensure that annual financial statements and a balance sheet shall be prepared following the end of the association's financial year which shall commence on 1st April ending on 31st March.

(4)Cheques must be signed by any two of four authorised signatories; one of the four must be the Treasurer.

(5)Financial records must be made available for inspection by any member upon request to the committee.

9 SPECIAL MEETINGS

(1)Written or electronic notice of all special meetings, including notice of all items on the agenda, shall be given to members with a minimum of 28 days notice.

(2)A quorum for a special meeting shall be a minimum of 25 members.

(3)A Special Meeting must be called by the secretary within 28 days of receipt of a directive of the committee or a written request of 5 committee members or 10 members specifying the business to be conducted at the meeting.

(4)If at any special meeting there is no quorum within 30 minutes appointed for the time of the meeting then the meeting will be adjourned and held within 4 weeks. The quorum for the adjourned meeting shall be 15, failing which the meeting will lapse altogether.

10 ANNUAL GENERAL MEETING

(1) The annual general meeting shall be held in July of each year at a time and place determined by the committee. Members shall have a minimum of 28 days written or electronic notice of the meeting and items on the agenda.

(2) Nominations for positions on the committee will be accepted by the Secretary within 14 days of the AGM..

(3) The business of the Annual General Meeting is to;

(a) Confirm the minutes of the preceding Annual General Meeting;

(b) Receive a report on the Association's activities over the previous year.

(c) Receive the audited financial report for the previous financial year.

(d) Elect the new committee for the following year.

(e) Appoint an auditor for the coming year.

(f) Such other items as the meeting agrees to place on the agenda.

11 VOTING

(1) All resolutions and elections must be determined by a simple majority, except as otherwise required by this constitution.

(2) All members over 18 years of age who have been members for 6 months may vote.

(3) Voting shall be by show of hands except if voted to be by secret ballot.

(4) In the event of the vote being equal by show of hands, then the vote shall be decided by secret ballot. If it remains equal, then the chairperson will have the casting vote.

(5) Non members with special interests or knowledge relevant to the Association may be invited to attend any meeting and to speak at the discretion of the chairperson but may not vote.

12 FAUNA RESCUE OF SOUTH AUSTRALIA INCORPORATED GIFT FUND

(1) The committee shall ensure that a gift fund known as the "Fauna Rescue of South Australia Incorporated Gift Fund" is established that complies with subdivision 30-E of the Income Tax Assessment Act 1997; for the specific purpose of supporting the environmental objectives of the Association.

(2) FAUNA RESCUE OF SOUTH AUSTRALIA INC. GIFT FUND - CONDUIT POLICY

(a) The allocation by the Fauna Rescue of South Australia Inc. Gift fund of any funds or property to other organisations, persons or groups will be made in accordance with the established objectives of this association and not be influenced by the expressed preference or interest of a particular donor to the association.

(b) The purpose of the "Fauna Rescue of South Australia Inc. Gift Fund" is to support the environmental objectives of Fauna Rescue of South Australia Inc.

(c) The fund must be administered by a "Committee of Management" of no fewer than 3 persons.

(d) The "Committee of Management" will be appointed by the committee of Fauna Rescue of South Australia Inc. and the majority of members of the "Committee of Management" must have the required requisite degree of responsibility to the general community

- (e) Persons eligible to hold a position on the “Committee of Management” are those who, because of their tenure of some public office or their position in the community, have a degree of responsibility to the community as a whole as distinct from obligations solely in regard to the environmental objectives of this association.
- (f) The committee of Fauna Rescue of South Australia Inc. will advise the Department of the Environment, of any changes to the membership of the “Committee of Management ” or to the rules of the “Fauna Rescue of South Australia Inc. Gift Fund” within 30 days.
- (g) Statistical data about gifts to the “Fauna Rescue of South Australia Inc. Gift Fund” during the financial year ending 30th June [not the Association’s financial year] will be provided to the Department of the Environment, within four months after the end of the financial year and in the form required by the Department.
- (h) Members of the general public will be invited to make gifts of money or property to the fund for the environmental purposes of the Association.
- (i) Money from interest on donations, income derived from donated property, and money from the realisation of such property will be deposited into the fund.
- (j) The fund will not receive any other money or property, including corporate sponsorship money, and gifts to it will be kept separate from other funds of this association.
- (k) The “Fauna Rescue of South Australia Inc. Gift Fund” will have a separate bank account into which money donated to the fund will be deposited, including interest accruing thereon.
- (1) Receipts will be issued in the name of “Fauna Rescue of South Australia Inc. Gift Fund” and proper accounting records and procedures will be kept and used for the fund.
- (2) Receipts issued in the name of “Fauna Rescue of South Australia Inc. Gift Fund” will contain :
- (a) the date the donation was received
 - (b) the name “Fauna Rescue of South Australia Inc.”
 - (c) the name “Fauna Rescue of South Australia Inc. Gift Fund”
 - (d) the signature of the person or persons authorised to sign on behalf of the fund.
 - (e) the name of the donor
 - (f) the statement that “The Fauna Rescue of South Australia Inc. Gift Fund” is a gift fund listed on the Register of Environmental Organisations under item 6.1.1 of subsection 30 –55(1) of the Income Tax Assessment Act 1997.
 - (g) Donations of \$2.00 or more are tax deductible.
- (l) The fund will be operated on a non-profit basis. Money or property accumulated by the fund will not be distributed to members of this association [or the “Committee of Management” of the fund] apart from proper remuneration for administrative services.
- (m) In the event of the winding up of the “Fauna Rescue of South Australia Inc. Gift Fund”, any surplus assets will be transferred to another fund (or specific fund) with similar objectives that is on the Register of Environmental Organisations.

(n) The fund will comply with any other rules that may from time to time be announced by the Treasurer or the Minister with responsibility for the environment.

(o) The committee of management will meet every three months and tender a report to the Association's committee on a regular basis.

3 COMPLIANCE WITH GOVERNMENT RULES

Fauna Rescue of South Australia Incorporated Gift Fund will comply with any rules that the Federal Treasurer and or the federal minister for the environment, make to ensure that gifts to the organisation are used only towards the objectives of this association.

13 AMENDMENT TO CONSTITUTION

(1) The constitution may be amended at an Annual General Meeting or a Special Meeting called for that purpose.

(2) Clause 2 "Objectives" can only be amended by a majority vote of 80% of the members present.

14 LIABILITIES / INDEMNITY

(1) Persons who with the authority of the committee incur any debt or other liability on behalf of the association shall have such liability met by the association so that they incur no personal loss.

(2) All members, upon joining the association, agree to indemnify the association against any personal injury, sickness, death or property damage resulting from or caused as a result of performing any duty, task or function for or on behalf of the association.

15 PROPERTY

The income, property and funds of the Association are for the benefit and aims of the Association absolutely. Surplus funds or profits will not be paid or given to any members.

16 DISSOLUTION

(1) The Association may be dissolved by resolution of at least two thirds of members present and voting at an A.G.M., or Special Meeting called for that purpose of which not less than 28 days written notice including notice of the proposed dissolution has been distributed to all members;

(2) On dissolution, members present shall decide which group, promoting similar interests to those of the association, will receive all monies and property remaining after payment of all legal liabilities.

17 INTERPRETATION OF THE CONSTITUTION

(1) The decision of the Committee on the interpretation of the constitution or by laws is conclusive unless and until the decision is overruled by an A.G.M. or a general Meeting called for that purpose.

(2) In the event of a situation arising which is not covered by the constitution, the Committee may obtain legal opinion and act in what it considers to be the best interests of the Association.

18 BY-LAWS

The Committee may from time to time pass, alter or rescind by-laws for the due management and regulation of the affairs of the Association.

FAUNA RESCUE OF SOUTH AUSTRALIA INC - BYLAWS

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1 A Member's role and responsibility

- (1) to abide by the Association's constitution, and by-laws, policy and procedures as set from time to time by the Association.
- (2) To consider the best interests of the "animal" above personal wants and emotions.
- (3) Where ever possible accept rescued fauna on behalf of the Association, even if it is immediately passed on to another member.
- (4) To maintain a record book of activities and to forward a regular copy to the Records officer for statistical purposes. Records to be forwarded at three monthly intervals.
- (5) To develop skills by attending training sessions and networking with other members .
- (6) To consult the appropriate coordinator when requiring advice for the care of particular species.
- (7) To provide animals within their care, species specific housing, food, water and appropriate environmental conditions

2 Honorary Membership policy

Honorary membership has the same status as a single member but with no fees.

3 Proper review

Proper review indicates that any complaint about a member would have to be brought to the member's notice, discussed and if necessary investigated fairly by an administrative panel, the results of which shall be reported to the committee.

(4) Committee positions and duties (including assistants)

(1) Membership steward -

To record all details of membership applications, send out renewals, maintain a register of members and distribute monthly membership update lists to coordinators.

(2) Maintenance and Property Officer -

To arrange for maintenance to be carried out on property owned by Fauna Rescue and to maintain a register recording the location of that property.

(3) Editor -

To produce an informative newsletter which reflects the principles of Fauna Rescue.

This is to be proof read by the assistant Editor.

(4) Records Officer -

To record details of all rescues and for compilation of returns to comply with National Parks & Wildlife Service as required.

(5) Publicity Officer -

The Publicity Officer shall arrange presentations and publicity on behalf of the Association.

The publicity officer will manage some fund raising activities in conjunction with presentations.

(6) Public Officer-

Shall ensure the safe keeping of the common seal which shall only be affixed by resolution of the committee.

(7) Phone coordinator-

To coordinate the answering of calls directed to Fauna Rescue.

(8).....Web Site Officer

To maintain the Association's web site.

5 Administrative panel

The administrative panel may be used for the processing of urgent matters which require prompt action and decisions can be made without having to call a special committee meeting or having to canvass every committee member. When possible the committee would set guidelines as to just what authority the panel would have. Such decisions made by the panel would have to be ratified at the next committee meeting; any dissent would have to be recorded as a vote of the committee. The panel must not have two persons from the same household. The panel members may be rotated as required.

(6).A Co-ordinator's role and responsibilities - (advisory capacity)

- (1). To be aware which members have the necessary knowledge, skills and conditions for the care of specific fauna.
- (2). To place incoming fauna with appropriate carers.
- (3). To maintain a register of carers.

(4). To inform the committee of training needs.

(5)To ensure all fauna is appropriately prepared for captivity or for planned release.

(6)To assist any member in attaining the skills to competently manage the care of selected species.

(7). To present coordinator reports for AGMs.