

Associations Incorporation Reform Act (2012).

What kinds of groups does The Act apply to?

Incorporated Associations: Mainly, not-for-profit organisations, like The Friends, Angair, etc.

What are the benefits of Incorporation?

The main one is limited liability, which means that the association bears the responsibility for debts or legal costs incurred, not individual members, or office holders. The liability is also limited to the amount of money or assets held by the association.

Why change our Rules of Association?

If an association had a set of rules (aka, constitution) that predated 26 November 2012, as the Friends' did (last registered in, October 1994), the old set of rules were automatically and compulsorily replaced just after that date by a new set of rules, called The Model Rules, unless an association modified them to make their own rules.

The model rules are a generic set that cover all incorporated associations, regardless of history, size, structure, purposes, internal dynamics, etc. Rather than have generic rules that may, or may not, suit us we have modified The Model Rules and created our own set. The changes that have been made to The Model Rules are minor and should be non-controversial.

What is required for the new Rules to be adopted and become The Friends' Rules of Association?

1. A special resolution must be presented and passed at an AGM. For a special resolution to be presented to an AGM, at least 21 days notice must be given to members. To be passed a special resolution requires that not less than $\frac{3}{4}$ of the members present at the meeting vote in favour of the new rules.
2. If the special resolution is passed at the AGM, the new rules must be sent to the Registrar of Incorporated Associations, to be registered with him/her. A description of the changes to The Model Rules, must also be submitted. If our new set of rules is accepted by the Registrar, these then become the Rules of Association of the Friends of Eastern Otways (Great Otway National Park) Incorporated.

What if the Registrar doesn't like our Rules of Association?

The only contentious issue is access to the list of members and their details (postal address, phone number, email address, etc) the model rules provide very few restrictions on access; any member can inspect the membership records as long as they give adequate notice. We considered there were occasions when we might want to restrict access to confidential information about members. Hence we have made access at the discretion of the committee, not to unduly restrict access but to preserve confidentiality of members' information. The Registrar might not like this change.