The Constitution of the Asian Rhino Project Inc.

1. NAME OF ASSOCIATION

The name of the Association is the ‘Asian Rhino Project Inc.’

2. DEFINITIONS

In these rules, unless the contrary intention appears-

“annual general meeting” is the meeting convened under paragraph (a) of rule 20 (1);

"Committee meeting" means a meeting referred to in rule 19 (1);

"Committee member" means person referred to in paragraph (a), (b), (c), (d) or (e) of rule 13 (1);

“convene” means to call together for a formal meeting;

“department” means the government department with responsibility for administering the Associations Incorporation Act (1987);

"financial year" means a period not exceeding 15 months fixed by the Committee, being a period commencing on the date of incorporation of the Association and ending on 30 June; and thereafter each period commencing 1 July and ending on 30 June in the following year;

"general meeting" means a meeting to which all members are invited;

"member" means member of the Association;

"ordinary resolution" means resolution other than a special resolution;

“poll” means voting conducted in written form (as opposed to a show of hands);

“special general meeting” means a general meeting other than the annual general meeting;

"special resolution" has the meaning given by section 24 of the Act, that is-

A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the association who are entitled under the rules of the association to vote and vote in person or, where proxies or postal votes are allowed by the rules of the association by proxy or postal vote, at a general meeting of which notice
specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.
At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Association or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 members of the association present in person or, where proxies are allowed, by proxy.
If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.

"the Act" means the Associations Incorporation Act 1987;

"the Association" means the Association referred to in rule 1;

"the Chairperson" means-
(a) in relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting in accordance with rule 14; or
(b) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in paragraph (a) of rule 13 (1) or, if that person is unable to perform his or her functions, the Vice Chairperson;

“the Commissioner” means the Commissioner for Fair Trading exercising powers under the Act;

"the Committee" means the Committee of Management of the Association referred to in rule 13 (1);

"the Secretary" means the Secretary referred to in paragraph (c) of rule 13(1);

"the Treasurer" means the Treasurer referred to in paragraph (d) of rule 13 (1);

"the Vice-Chairperson" means the Vice-Chairperson referred to in paragraph (b) of rule 13(1).
3. OBJECTIVES

(1) The primary objective of the Association is to advance conservation of the three Asian Rhino Species,

* Sumatran Rhinoceros (*Dicerorhinus sumatrensis*)
* Javan Rhinoceros (*Rhinoceros sondaicus*)
* Indian Rhinoceros (*Rhinoceros unicornis*);

through education, research, and provision of funds to assist in their sustainable management. And whose supporting objectives are:-

(a) To aid in the re-establishment of habitat, within reserves and protected areas, conducive to the development of endangered rhinoceros species;
(b) To inform, educate and advise interested individuals, community groups and organisations in all aspects of conservation of Asian Rhinos.
(c) To aid in breeding programs and translocation efforts designed to re-populate with such species;
(d) To enter into any arrangement with any Government or authority that may seem conducive to the objects of the Association, and to obtain from any such Government or authority any rights, privileges and concessions which the Association may think it desirable to obtain.
(e) To foster co-operative efforts and the pooling of resources by and among the Association, governmental agencies, universities and other educational institutions, wildlife conservation groups and other organisations and persons with a concern for endangered Asian Rhinoceros species;
(f) To engage or assist in research, analysis and program planning relating to the protection of endangered Asian Rhinoceros species, and to prepare, submit, publish and disseminate reports, recommendations, feasibility studies and other informational materials;
(g) To conduct seminars, conferences and programs designed to educate the general public of the processes and causes of extinction of endangered Asian Rhinoceros species;
(h) To solicit and to receive voluntary contributions and to use such funds and any income therein for the purposes of this Association.
(i) To stimulate the adoption and development of action programs designed to accomplish the foregoing.

(2) In so doing the Association aims to:
To establish and maintain a public fund to be called, “Asian Rhino Conservation Fund” for the specific purpose supporting the environmental objects – purposes of Asian Rhino Project Inc. 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 into its bank
The fund may not receive any other money or property into its bank account and will comply with sub division 30-E of the Income Tax Assessment Act 1997.

(3) The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

4. NOT FOR PROFIT

The income and property of the Association shall be used and applied solely in promotion of its Objectives 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 organisation.

5. 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.

6. POWERS OF ASSOCIATION

The powers conferred on the Association are the same as those conferred by section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Association—

may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may –

(a) acquire, hold, deal with, and dispose of any real or personal property;
(b) open and operate bank accounts;
(c) invest its money -
   (i) in any security in which trust monies may lawfully be invested; or
   (ii) in any other manner authorised by the rules of the Association;
(d) borrow money upon such terms and conditions as the Association thinks fit;
(e) give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
(f) appoint agents to transact any business of the Association on its behalf;
(g) enter into any other contract it considers necessary or desirable; and
(h) may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of the Association.
7. QUALIFICATIONS FOR MEMBERSHIP OF ASSOCIATION

(1) Membership of the Association is open to all persons who support the objects of the Association.

(2) A person who wishes to become a member must apply for membership to the Committee in writing signed by that person.
   (a) Any two (2) nominated Committee members, as nominated by Chairperson or Vice Chairperson, shall consider each application and accept or reject that application.

8. RULES OF THE ASSOCIATION

(1) The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedures set out in sections 17, 18 and 19 of the Act.

(2) These rules bind every member and the Association to the same extent as if every member and the Association had signed these rules and agreed to be bound by all their provisions.

9. REGISTER OF MEMBERS OF ASSOCIATION

(1) The Secretary shall on behalf of the Association keep and maintain a register of members in accordance with section 27 of the Act, and that register shall be kept and maintained at his or her place of residence.

(2) The Secretary must cause the name of a person who dies or who ceases to be a member under rules 11 and 12 to be deleted from the register of members referred to in sub-rule (1).

10. ASSOCIATION MEMBERSHIP FEES

(1) The members shall determine at a General Meeting from time to time the amount of the membership subscription to be paid by each member.

(2) Each member shall pay to the Treasurer on the anniversary date of joining the amount of the membership subscription determined under sub-rule (1).

(3) Subject to sub-rule (4), a member whose subscription is not paid within 3 months after the relevant date fixed under sub-rule (2) ceases on the expiry of that period to be a member, unless the committee decides otherwise.
(4) A member is a financial member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub-rule (2) or within 3 months thereafter.

11. RESIGNATION OF MEMBERSHIP OF THE ASSOCIATION

(1) A member who delivers notice in writing of his or her resignation from the Association to the Secretary or another Committee member ceases on that delivery to be a member.

12. EXPULSION OF MEMBERS OF ASSOCIATION

(1) If the Committee considers that a member should be suspended or expelled from membership of the Association because his or her conduct is detrimental to the interests of the Association, the Committee must communicate in writing to the member-
   (a) notice of a Committee meeting to which the member shall be invited to discuss the proposed expulsion, and which the issue will be determined;
   (b) The time, date and place of the Committee meeting at which the question of that expulsion will be decided, not less than 21 days before that meeting;
   (c) particulars of conduct, of the member that gave rise to consideration of their expulsion.

(2) At the Committee meeting referred to in a notice communicated under sub-rule (1), the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, expel or decline to expel that member from membership of the Association and shall communicate that decision in writing to that member.

(3) A member who is expelled under rule 12 (2) from membership of the Association shall, if he or she wishes to appeal against that expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days.

(4) When notice is given under rule 12 (3)-
   (a) the Association at a General meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association at the General meeting, confirm or set aside the decision of the Committee to expel that member; and
   (b) the member who gave that notice does not cease to be a member unless and until the decision of the Committee to expel him or her is confirmed under this sub-rule.
13. COMMITTEE OF MANAGEMENT

(1) The affairs of the Association shall be managed by a Committee of Management (the 'Committee') consisting of the following four officers and at least three other members-
(a) a Chairperson;
(b) a Vice-Chairperson;
(c) a Secretary;
(d) a Treasurer; and
(e) not less than three other persons,
all of whom shall be financial members of the Association elected to membership of that Committee at an Annual General Meeting or appointed under sub-rule 13 (2)c i.

(2) A person is eligible for membership to the Committee of Management:
(a) when a member has nominated him or her for election by delivering notice in writing of that nomination, signed by:
   (i) the nominator; and
   (ii) the nominee to signify his or her willingness to stand for election to the Secretary not less than 7 days before the day on which the Annual General Meeting concerned is to be held;
(b) a member may at the Annual General Meeting concerned propose or second himself or herself for election; and vote for himself or herself.
(c) when a casual vacancy occurs (subject to rule 13 (5) in the membership of the Committee, the Committee may appoint a member to fill that vacancy, and;
   (i) that appointed member shall hold office until the commencement of the next Annual General Meeting.

(3) If the number of persons nominated for election for respective positions of the Committee does not exceed the number of vacancies to be filled, the President shall declare those persons to be duly elected at the Annual General Meeting concerned.

(4) Membership of the Committee lasts for one year, from one Annual General Meeting to the next, excepting in the case of rule 13 (2) c.

(5) A casual vacancy occurs within the Committee when a Committee member:-
(a) dies;
(b) resigns by notice in writing, delivered to the President or, if this Committee member is the President, to the Vice-President;
(c) is convicted of an offence under the Act;
(d) is incapacitated by mental or physical ill health;
(e) is absent for more than:-
   (i) three consecutive Committee meetings and approval has not been requested from Committee for the period of absence; or
(ii) three Committee meetings in the same financial year, of which he or she had received notice without tendering an apology to the person presiding at each of those Committee meetings; or ceases to be a member of the Association

14. CHAIRPERSON

The Chairperson shall:

(1) Preside at all General meetings and Committee meetings, unless
   (a) in the event of their absence, the Vice-Chairperson shall preside at such meetings; or
   (b) if both the Chairperson and the Vice-Chairperson are absent, a member elected by the other members present shall preside at the meeting, as the case requires.

(2) Make public statements and representations on behalf of the Association.

(3) Oversee the operations of the Committee and any sub-committees of the Association.

(4) Prepare and submit an Annual Report to each Annual General Meeting.

(5) Sign out-going correspondence of the organisation, except where otherwise delegated by the Committee.

15. VICE-CHAIRPERSON

The Vice-Chairperson shall:

(1) In the absence of the Chairperson perform the duties of the President.

(2) Undertake duties delegated by the Chairperson or as agreed by the Committee.

16. SECRETARY

The Secretary shall:

(1) Maintain and have custody of all books, documents, records and registers of the Association, other than those required by rule 17 to be kept and maintained by, or in the custody of, the Treasurer;

(2) Co-ordinate the correspondence of the Association;

(3) Keep full and correct minutes of the proceedings at General meetings and Committee meetings;
(4) Comply on behalf of the Association with:
   (a) Section 27 of the Act in respect of the register of members of the Association;
   (b) Section 28 of the Act in respect of the rules of the Association; and
   (c) Section 29 of the Act in respect of the record of the officeholders, and any
        trustees, of the Association;

(5) Perform such other duties as are imposed by these rules on the Secretary.

17. TREASURER

The Treasurer shall:

(1) Be responsible for the receipt of all moneys paid and gifts received by him or her on
    behalf of the Association, and shall issue receipts for those moneys and gifts in the
    name of the Association;

(2) Pay all moneys referred to in rule 17 (1) into the accounts of the Association;

(3) Make payments from the funds of the Association with the authority of a General
    meeting or of the Committee, and in so doing ensure that all cheques are signed by two
    of the four Officers;

(4) Comply on behalf of the Association with Sections 27 and 28 of the Act in respect of the
    accounting records of the Association;

(5) Whenever directed to do so by the President, submit to the Committee a report,
    balance sheet or financial statement in accordance with that direction;

(6) Have custody of all securities, books and documents of a financial nature and
    accounting records of the Association;

(7) Perform such other duties as are imposed by these rules on the Treasurer;

(8) Comply with the requirement of Rules 25(12) and 25(13), and give to the Department
    responsible for the environment statistical information on donations to the Fund within
    four months after the end of the financial year. In addition an audited financial
    statement for the organisation and its public 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.
18. COMMITTEE MEMBERS SHALL

(1) Assist with the business of the Association and the fulfilling of its objectives;

(2) Take all reasonable steps to secure compliance by the Association with its obligations under the Act, and in accordance with the Constitution, and other obligations required by law.

19. PROCEEDINGS OF COMMITTEE

(1) The Committee shall meet together for the conduct of business not less than once a year and the Chairperson, or at least half the members of the Committee, may at any time convene a meeting of the Committee. Other committee business throughout the year is conducted via e-mail response. Responses are recorded on response forms which are circulated to committee once a decision has been made.

(2) Each Committee member has a deliberative vote.

(3) A question arising at a Committee meeting shall be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.

(4) At a Committee meeting four Committee members constitute a quorum.

(5) Subject to these rules, the procedure and order of business to be followed at a Committee meeting shall be determined by the Committee members present at the Committee meeting.

(6) A Committee member having any direct or indirect pecuniary interest referred to in section 21 or 22 of the Act shall comply with that section.

(7) The Committee shall be responsible for the appointment of a Board of not less than three persons to administer the Public Fund (Asian Rhino Project Conservation Fund), as referred to in Rule 3 (2).

(8) The Committee shall appoint sub-committees from time to time to assist in specific tasks set by the Committee to assist in the objectives of the organization.

20. GENERAL MEETINGS

(1) The Committee:

(a) shall convene Annual General Meetings within four months following the end of the Association's financial year.
(i) no less than 21 days notice shall be given to the membership of an Annual General Meeting.
(b) may at any time convene a General meeting of the membership;
(c) shall, within 21 days of:
   (i) receiving a written request to do so from not less than 5 members, convene a Special General meeting for the purpose identified in that request; or
   (ii) the Secretary receiving notice under rule 12 (3), convene a Special General meeting for the purpose of dealing with the appeal to which that notice relates.

(2) The members making the request referred to in rule (20 (1)(c)(i)) shall state in that request the purpose for which the Special General meeting concerned is required, and sign that request.

(3) If a Special General meeting is not convened within the relevant period of 21 days referred to in rule (20 (1)(c)(i)), the members who made the request concerned may themselves convene a Special General meeting as if they were the Committee; or under rule (20 (1)(c)(ii)), the member who gave the notice concerned may convene a Special General meeting as if he or she were the Committee.

(4) Subject to sub-rule (7), the Secretary shall give to all members not less than 14 days notice of any Special general meeting and that notice must specify:
   (a) when and where the general meeting concerned is to be held; and
   (b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.

(5) In the case of an Annual General Meeting, the order in which business is to be transacted is:
   (a) the consideration of the accounts and reports of the Association;
   (b) the election of Committee members to replace outgoing Committee members;
   (c) any other business requiring consideration by the Association in a General meeting.
   (d) appointment of Auditors of the Association for the coming year

(6) A special resolution may be moved either at a special general meeting or at an annual general meeting; however the Secretary must give to all members not less than 14 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule (4) or (5), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.

(7) The Secretary must give a notice under sub-rule (5), (6) or (7) by-
   (a) serving it on a member personally; or
(b) sending it by post or by electronic means to a member at the address or the contact details of the member appearing in the register of members kept and maintained under Section 27 of the Act.

(8) When a notice is sent to a member’s address by post or to the member’s contact details by electronic means under sub-rule (7) (b) it shall be deemed to be properly effected.

21. QUORUM AND PROCEEDINGS AT GENERAL MEETINGS

(1) At a General meeting, including the Annual General Meeting and a Special General meeting, 20 members present in person or by proxy constitutes a quorum;

(a) A proxy may be:
   (i) by written notice authorizing an existing member to act on the absent member’s behalf under section 24,
   (ii) or a person, whether a member or not, attending the meeting to act on the behalf of the member under section 24;

(2) If within 30 minutes after the time specified for the holding of a General meeting in a notice given under rule 20 (4) or 20 (6)-
   (a) as a result of a request or notice referred to in rule 20 (1)(c) or as a result of action taken under rule 20 (3) a quorum is not present, the general meeting lapses; or
   (b) otherwise than as a result of a request, notice or action referred to in paragraph 21 (2)a, the general meeting stands adjourned to a date authorized by the Chairperson.

(3) If within 30 minutes of the time appointed by sub-rule 21 (2) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.

(4) The Chairperson may, with the consent of a general meeting at which a quorum is present, and shall, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.

(5) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

(6) When a general meeting is adjourned for a period of 30 days or more, the Secretary shall give notice under rule 20 of the adjourned general meeting as if that general meeting were a fresh general meeting.
(7) At a General meeting-
   (a) an Ordinary Resolution put to the vote will be decided by a majority of votes cast on a show of hands;
   (b) a Special Resolution put to the vote will be decided in accordance with section 24 of the Act (i.e. three fourths of eligible voters)

(8) A declaration by the Chairperson of a General meeting that a Resolution has been passed as an Ordinary Resolution at the meeting will be evidence of that fact unless, during the General Meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (9).

(9) At a General meeting, a poll may be demanded by the Chairperson or by three or more members present in person or by proxy and, if so demanded, must be taken in such manner as the Chairperson directs.

(10) If a poll is demanded and taken under sub-rule (9) in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.

(11) A poll demanded under sub-rule (9) on the election of a person to preside over a general meeting or on the question of an adjournment shall be taken forthwith on that demand being made.

22. RECORDS OF ASSOCIATION

(1) Records, including; books, correspondence, minutes, finances and other documents of the Association will be maintained in an orderly manner.

(2) The Treasurer shall maintain all financial records for the Association, and comply with all obligations in reporting to the Department responsible for the environment, as referred to in Rule 17.

(3) The Secretary shall have custody of all books, documents, records and registers of the Association, other than those required under rule 17, as referred to in rule 16.

(4) The Secretary shall ensure minutes of all proceedings of all General meetings and Committee meetings to be taken, and entered in a minute book kept for the purpose within 30 days after holding the respective meetings.

(5) The Chairperson shall ensure that the minutes taken of a General meeting or Committee meeting under sub-rule 22 (1) are checked and signed as correct by the Chairperson of the General meeting or Committee meeting to which those minutes relate or of the next succeeding General meeting or Committee meeting, as the case requires.
(6) When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved, be evidence that:
   (a) the General meeting or Committee meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held.
   (b) all proceedings recorded as having taken place at the meeting did in fact take place thereat;
   (c) all appointments or elections purporting to have been made at the meeting have been validly made.

(7) A member may request and within a reasonable time be permitted to inspect without charge the books, documents, records and securities of the Association.

23. VOTING RIGHTS OF MEMBERS OF ASSOCIATION

(1) Subject to these rules, each financial member present in person or by proxy at a General meeting is entitled to a deliberative vote.

(2) A member which is a body corporate may appoint in writing a natural person, whether or not he or she is a member, to represent it at a particular general meeting or at all General meetings.

(3) An appointment made under sub-rule (2) shall be so made by a resolution of the board or other governing body of the body corporate concerned and notification of that resolution lodged with the secretary, and as agreed by the meeting.

(4) The Committee shall have the authority to allow postal votes to be accepted in the election of Committee at the Annual General Meeting and shall appoint a returning officer to implement this ballot. Members unable to attend the AGM may request a postal ballot that must be received back to the Secretary prior to the Annual General Meeting.

24. PROXIES OF MEMBERS OF ASSOCIATION

A member may appoint in writing to the Secretary prior to the meeting in question another member to be their proxy and attend and vote on behalf of the appointing member at any General meeting.

25. RULES OF ASSOCIATION

(1) The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows-
(a) Subject to sub-rule (1) (d) and (1) (e), the Association may alter its rules by special resolution but not otherwise;
(b) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the rules of the Association as so altered conform to the requirements of this Act;
(c) An alteration of the rules of the Association does not take effect until sub-rule (1) (b) is complied with;
(d) An alteration of the rules of the Association having effect to change the name of the association does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the change of name;
(e) An alteration of the rules of the Association having effect to alter the objects or purposes of the association does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

(2) These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

26. DISPUTES AND MEDIATION

(1) The grievance procedure set out in this rule applies to disputes under these rules between-
   (a) a member and another member; or
   (b) a member and the Association; or
   (c) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.

(2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

(3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

(4) The mediator must be-
   (a) a person chosen by agreement between the parties; or
   (b) in the absence of agreement-
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(i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association;

(ii) in the case of a dispute between a member or relevant non-member (as defined by sub-rule (1) (c)) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.

(5) A member of the Association can be a mediator.

(6) The mediator cannot be a member who is a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must-
   (a) give the parties to the mediation process every opportunity to be heard;
   (b) allow due consideration by all parties of any written statement submitted by any party; and
   (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

(9) The mediator must not determine the dispute.

(10) The mediation must be confidential and without prejudice.

(11) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

27. ADMINISTRATION OF THE ASSOCIATION’S PUBLIC FUND

The following sub rules govern the operation of the public fund;

(1) The name of the Association’s Public Fund is ‘Asian Rhino Project Conservation Fund’.

(2) The objective of the Fund is to support the Association’s environmental objectives.

(3) 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.

(4) 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.

(5) A separate bank account is to be opened to deposit money donated to the Fund, including interest accrued thereon, and gifts to it are to be kept separate from other funds of the Association.
(6) 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.

(7) The Fund will be operated on a not for profit basis.

(8) A Fund Committee, as referred to in rule 19 (7), will be appointed to manage the Fund. A majority of the Fund Committee members will be “responsible persons” as defined by the Register of Environmental Organisations Guidelines.

(9) 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.

(10) The Association must inform the Department responsible for the environment as soon as possible if:
(a) it changes its name or the name of the Fund; or
(b) there is any change in the membership of the management committee of the Fund; or
(c) there has been any departure from Rules 27 (1) to 27 (13) of the Fund.

(11) 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 purposes.

(12) Statistical information requested by the Department on donations to the Fund will be provided within four months of the end of the financial year.

(13) 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.

28. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

If, on the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property shall be distributed:

(1) to another Association incorporated under the Act; or

(2) for charitable purposes.

Which incorporated Association or purposes, as the case requires, shall be determined by resolution of the members when authorising and directing the Committee under section 33(3) of the Act to prepare a distribution plan for the surplus property of the Association.