



Friends of Grasslands - special bulletin 2021 No. 1

Supporting native grassy ecosystems

21 February 2021

Dear FOG members

In July 2019 the ACT government changed the law governing not-for-profit-associations such as Friends of Grasslands. The FOG committee has decided to introduce some changes to FOG's membership register as a result.

Please read Part A and respond to the membership officer as requested, especially if you have concerns about the release of personal information.

Part B is for information and explains the legislative changes applying to not-for-profit-associations and the committee's reasons for not making changes to its current rules or procedures for now.

Geoff Robertson, FOG President

Part A. FOG membership register

There has always been an obligation on a not-for-profit-association to allow a member to inspect its membership register. The 2019 legislation clarifies this and addresses concerns about privacy. FOG has never received such a request. Currently, six FOG members have access to membership records to enable them to carry out financial and membership duties and to distribute newsletters and events and notices bulletins.

FOG proposes the following to meet its legal requirements:

- it will create a record (a membership register) that identifies each financial member, the date he/she joined FOG, type of membership (corporation OR an individual or family) and email address (or if no email address is available, a postal address).
- if FOG decides to allow a member to inspect the register, it will do so in a reasonably timely manner at a place of mutual convenience.
- the member would need to give a reason for inspecting the register and would not be allowed to copy it.

- requests that are not related to FOG purposes or are improper would be denied.¹
- members who have concerns about personal information, should request the committee, via the membership officer, not to release their personal details.
- the membership officer, in consultation with other FOG office holders, will consider such requests sympathetically.²
- members who prefer to include, say a postal address rather than an email address, should inform the membership officer.

We ask you to let the membership officer (membership@fog.org.au) know if you;

- have no concerns,
- wish to have the register record your postal address, or
- have concerns about the release of personal information (in this case, please provide information on your concerns).

Part B. Implications of July 2019 changes to ACT Incorporations Act 1991 to FOG rules and procedures

The 2019 changes made a number of amendments to the Act.^{3 4} However, the Regulations, which include the Model Rules, have not been updated. Thus, the Regulations and Model Rules may be inconsistent with the Act. When the Act was updated, the ACT Government issues an *Explanation of the changes*.⁵ It highlighted the following matters: members requesting documents and minutes of meetings; dispute resolution; the role of the public officer; responsibilities of office holders; the register of members; financial accounts and common seal.

The committee has examined changes to the legislation and considered whether it should amend its rules. The FOG rules are based on the currently published model

¹ Under s.67A(3), an association's governing committee "may refuse [a request] if satisfied that the member sought the inspection to use information on the register for a purpose that was (i) not directly related to the management or the purposes of the association; or (ii) prohibited by the rules of the association; or (iii) improper." Detail [found here](#).

² The relevant section of the legislation is found [here](#).

³ The latest version of the Act may be found [Revised act](#). The amendments are: 13A – contact details may be kept confidential so that: 35A – a committee may refuse access to documents; 36A and B – disqualification from office; 64 a resignation of a committee member; 65A, B & C – material interest, dispute resolution procedure, and disciplinary action; 66A-D duty of care and diligence, duty of care and proper purpose, use of position and use of information; 67A & B – inspection of registrar of membership and restriction of access to personal information; 70 AA – general meeting and COVID (made in 2020); 70A-C - record keeping and reporting; and section 119 - a review of decisions.

⁴ A change was made to the legislation in 2020, inflating to COVID 19.

⁵ The explanation of the changes is found here [new rules for Incorporated Associations](#), under the heading of Incorporated Associations; the revised legislation.

rules. A query to the ACT government (some time ago) received the response that a revised set of model rules would be issued in future. The committee decided that it would not amend its rules but would wait until the new model rules are introduced. In so far as its rules may be inconsistent with the revised legislation, the committee should be guided by the provisions of the new legislation and its current rules.

Concerning the matters raised in the *Explanation of changes*, FOG's interim response is:

- Member's request for documents of association - Currently, FOG objectives and rules are on its website. Much other material is kept on its website, including annual reports and copies of submissions. Copies of minutes of Committee meetings for recent years can be made available and generally FOG encourages research into its operations and history. However, requests would need to be considered on their merits - if documents requested were additional to minutes, were historically difficult to access or required a lot of work to extract, FOG may refuse such a request or come to some other compromise. To date FOG has never received a request for such documents.
- Dispute resolution - FOG has never been required to discipline members or to resolve disputes between members, including FOG members and FOG. Should incidents arise it would attempt to resolve such matters informally, and if necessary use the disciplining members provisions in its current rules.
- A public officer does not need to notify particulars in some circumstances - This lessens some reporting requirements on FOG's public office, but is unlikely to impact current procedures. The legislation allows a committee member to resign by written notice to the public officer. This is a useful clarification, but does not change current practice.
- Responsibilities of office bearers - This refers to FOG office holders not using their position improperly for person gain. This has always been understood and implies no practical change.
- The association's register of members - FOG will change its procedures as outlined in Part A.
- Financial accounts - These provisions lessen the requirements on small organisations such as FOG. The committee considers that no change is required to FOG practice.
- Common seal - These provisions lessen the requirements of small organisations such as FOG. The committee considers that no change is required to FOG practice.

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