



INSTITUTE OF TRANSPORTATION ENGINEERS
AUSTRALIAN SECTION

18th October, 1990

FACSIMILE:

**TO: TOM BRAHMS - EXECUTIVE DIRECTOR, ITE
WASHINGTON**

**FROM: NELSON ENGLISH - AUSTRALIAN SECTION PRESIDENT,
MELBOURNE**

RE: LEGAL STATUS - AUSTRALIAN SECTION

My Board has in the last year or so been considering the status of the Australian Section under Australian law.

As we understand it, the ITE is incorporated under U.S. law, and no legal provision has been made for an Australian Section, except that the ITE has issued a Charter which documents the affiliation of the Australian Section with the ITE.

This means that the Australian Section has no status under Australian law, and each of the Australian members carries responsibility for the Section jointly and severally.

My Board considers it wise if the Section were incorporated under Australian law, so that the Section:

- o can sue or be sued in its own name;
- o can hold property in its own name without the necessity of appointing Trustees;
- o can enter contracts in its own name;
- o Committee members are not personally liable for the liabilities of the Section.

The most convenient vehicle for association is the Victorian Incorporated Associations Act 1981. The process of incorporation is straightforward and inexpensive (fees are in the order of tens of dollars).

It will not be necessary to engage lawyers to effect the incorporation.

The process requires an incorporated association to have a statement of purposes, which we propose to copy from Article 1 of the ITE Constitution, subject to adding "Australian Section" after the words "Institute of Transportation Engineers".

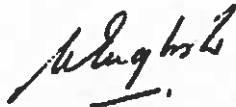
The Act provides for model rules which are not in conflict with any rules of the ITE as far as I can tell. I am sending you a copy in the mail so you can check this point.

Subject to no veto by the ITE, we would propose to put an appropriate motion to an Annual General Meeting to be held in February 1991.

However, it is timely to canvas the issue with Australian Members in the Newsletter, but before doing so, I thought I should seek your advice and if you can, your blessing.

Would you please fax back your initial reaction to this proposition, as I am in the process of preparing an article for the Newsletter. Fax 613-5285126

Regards,



NELSON ENGLISH
PRESIDENT - AUSTRALIAN SECTION