



**CONSTITUTION OF THE**

**BURNETT MARY REGIONAL GROUP FOR**

**NATURAL RESOURCE MANAGEMENT INC**

15 December 2006 with proposed amendments of June 2009

Throughout this document the term community is used in a holistic sense and refers to all sectors.

## 1. NAME

- 1.1. The name of the Incorporated Association shall be “The Burnett Mary Regional Group for Natural Resource Management Incorporated”. Hereafter known as the Association.

## 2. DEFINITIONS

- 2.1. Affiliate Member – Any interested party who is not a financial member and who has no voting rights. Affiliate members do not have to be residents of the Burnett Mary region.
- 2.2. Affiliate Members (Traditional Owners) – comprise Traditional Owners who do not reside in the Burnett Mary Region. Affiliate members of this class shall have voting rights with respect to cultural practices and protocols in accordance with the process approved by the Traditional Owner Working Group.
- 2.3. Board of Management – Elected Directors and the Independent Chair.
- 2.4. ~~Burnett Mary~~Ecovey Environment Fund – A ~~public fund~~Public Fund established by the Burnett Mary Regional Group for Natural Resource Management Incorporated pursuant to section 30-265(2) of the *Income Tax Assessment Act 1997* and Taxation Ruling 95/27 and hereinafter referred to as “the Public Fund”.
- 2.5. Director – Elected Member of the Board.
- 2.6. Executive – The Independent Chair, the Deputy Chair, the Treasurer and one other Director.
- 2.7. Ordinary Member – Financial member, residing within the Burnett Mary region, with voting rights for election of the Director of their nominated sector and matters arising at an Annual General Meeting or Special Meeting.
- 2.8. Traditional Owners – a body or groups of authorised individuals who identifies as Traditional Owners under the *Native Title Act 1993* and subsequent amendments to the Act.

### 3. OBJECTS

3.1. The objects of the Association shall be –

3.1.1. We are a not for profit Association that operates for the public benefit to protect, preserve and care for the environment and educate the community about the environment.

3.1.2. To evolve, develop, plan and manage future Natural Resource Management Initiatives.

~~3.1.3. To establish and maintain a public fund to be called the Burnett Mary Environment Fund for the specific purpose of supporting the environmental objects/purposes of the Burnett Mary Regional Group for Natural Resource Management Incorporated. 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 to its bank account. The Fund must not receive any other money or property into its account and it must comply with subdivision 30E of the Income Tax Assessment Act 1997.~~

~~3.1.4.~~3.1.3. To plan and manage (in partnership with all members) any appropriate funding initiatives for the Burnett Mary Region. This will include the implementation of the National Action Plan Salinity and Water Quality (NAP) and Natural Heritage Trust (I and II, the TRUST).

~~3.1.5.~~3.1.4. To be an Association that will achieve its main objectives through -

~~3.1.5.1.~~3.1.4.1. Consultation with members, and the wider community of stakeholders and after assessing information and science available, ongoing development and implementation of the Natural Resource Management plan for this Region, which will take into consideration ecological, economical and social issues.

~~3.1.5.2.~~3.1.4.2. Collating, accessing and commissioning research and development of solutions to establish priority issues and areas for action.

~~3.1.5.3.~~3.1.4.3. Dissemination of information available in easily accessible form.

~~3.1.5.4.~~3.1.4.4. Fostering and maintaining relationships with all members and the broader community of stakeholders.

~~3.1.5.5.~~3.1.4.5. Providing forums for members and the broader

community of stakeholders to discuss Natural Resource Management issues and assist in resolving conflict where it exists.

~~3.1.5.6-3.1.4.6.~~ Actively fostering community understanding and active participation in resolving the Natural Resource Management issues identified in this Region.

~~3.1.5.7-3.1.4.7.~~ Fostering cooperation and coordination in land, water and vegetation management issues.

~~3.1.5.8-3.1.4.8.~~ Influencing decision making for positive outcomes for Natural Resource Management sustainability.

~~3.1.5.9-3.1.4.9.~~ Recognising, respecting and incorporating the diversity of community values and needs.

~~3.1.5.10-3.1.4.10.~~ Enhanced education and building a capacity for the community to achieve ecological, economical and social sustainability.

~~3.1.5.11-3.1.4.11.~~ A secure long term diverse and sustainable financial base.

~~3.1.5.12-3.1.4.12.~~ Effective governance including streamlined, consistent systems and processes.

3.1.5. To be an agency for changing both attitude and practice.

3.1.6. To establish and maintain a ~~public fund~~Public Fund to be called the Ecovery Environment Fund for the specific purpose of supporting the environmental objects/purposes of the Burnett Mary Regional Group for Natural Resource Management 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 to its bank account. The fund must not receive any other money or property into its account and it must comply with subdivision 30E of the Income Tax Assessment Act 1997.

~~3.1.6-3.1.7.~~ Funds from the Ecovery Environment Fund may be spent outside the region where and only if seen appropriate and approved by the Board.

#### **4. POWERS**

4.1. To enter into arrangements with any Government or Authority that is

incidental or conducive to furthering the objectives of the Association.

4.2. To enter into any contracts.

4.3. To employ staff.

4.4. To acquire, hold, deal with or dispose of property.

4.5. To make charges for services and facilities supplied.

4.6. To print and publish newsletters, articles and any other items that may be deemed necessary to further the cause of the objectives of the Association.

4.7. To undertake other actions which may be deemed necessary to the attainment of the objectives of the Association.

## **5. MEMBERSHIP**

5.1. The membership of the Association is sector based and comprises 11 sectors.

5.2. Ordinary Members with voting rights are required to be financial at a rate of \$1/annum.

5.2.1. An Ordinary member will have one vote for the Director of their nominated sector (one only). The highest polling sector nominee will win the position of Director for that sector.

5.2.2. Ordinary members will have one vote on issues arising at Annual General Meeting or special meeting.

5.2.3. Ordinary members must reside in the Burnett Mary region.

5.3. Affiliate Members are not financial and have no vote, but comprise any interested party and will receive all public information from the Association. Affiliate Members do not have to reside within the Burnett Mary region.

5.4. Affiliate Members (Traditional Owners) comprise Traditional Owners who do not reside within the Burnett Mary region. Affiliate members of this class shall have voting rights with respect to cultural practices and protocols in accordance with the process approved by the Traditional Owner Working Group.

5.5. Definition of eligibility of Ordinary member by sector is as follows:

5.5.1. Industry Sectors -

5.5.1.1. Primary Industry (Burnett Catchment) - an individual/business or group whose membership comprises

constituents undertaking primary production in the Burnett River catchment.

5.5.1.2. Primary Industry (Mary Catchment) – an individual/business or group whose membership comprises constituents undertaking primary production in the Mary River catchment.

5.5.1.3. Secondary or Tertiary Industry –business and industry undertaking secondary or tertiary production or industry in the Burnett Mary Region.

5.5.2. Community Sectors -

5.5.2.1. Catchment – an organisation whose primary function is enabling Catchment Management principles including Rivercare.

5.5.2.2. Coastal Management – an organisation whose primary function is enabling Coastal Management principles.

5.5.2.3. Conservation – an individual or organisation which considers Conservation principles as important to the future social and economic well-being of the region.

5.5.2.4. Landcare – an organisation which considers landcare principles as its primary function.

5.5.3. Local Government Sectors -

5.5.3.1. Local Government (Burnett East) - an organisation defined as operating under the *Local Government Act 1993* and bound by associated regulations located in the Coastal Burnett catchment (Biggenden, Bundaberg, Burnett, Isis, Kolan, Miriam Vale).

5.5.3.2. Local Government (Burnett West) - an organisation defined as operating under the *Local Government Act 1993* and bound by associated regulations located in the South, Central and North Burnett catchment (Cherbourg, Chinchilla, Eidsvold, Gayndah, Kilkivan, Kingaroy, Mundubbera, Murgon, Monto, Nanango, Perry, Wondai).

5.5.3.3. Local Government (Mary) - an organisation defined as operating under the *Local Government Act 1993* and bound by associated regulations located in the Mary River catchment (Cooloola, Caloundra, Hervey Bay, Kilcoy, Maroochy, Maryborough, Noosa, Tiaro, Woocoo).

#### 5.5.4. Traditional Owners Sector

- 5.5.4.1. Traditional Owners – a body or group of individuals who identifies as Traditional Owners under the *Native Title Act 1993* and subsequent amendments to the Act.

### 6. REGISTER OF MEMBERS

- 6.1. The Association must keep a register of members.
- 6.2. The Register of Members must include the following particulars for each member:
  - 6.2.1. The full name and residential address of each member.
  - 6.2.2. The date of admission as a member.
  - 6.2.3. The date of death or resignation of the member.
  - 6.2.4. Details about the termination or reinstatement of membership.
  - 6.2.5. Any other particulars the Association or members at a general meeting decide.
- 6.3. The Register must be open for inspection at all reasonable times.
- 6.4. However, before the member may inspect the Register, the member must apply to the Secretary to inspect it.

### 7. BOARD OF MANAGEMENT

- 7.1. The Board of Management will comprise twelve (12) Directors elected (Section 5.2.1 and Section 9) and representing the sectors as defined in Section 5. Directors' term of office is defined as three years.
- 7.2. An Independent Chair without voting rights to be selected on merit after advertising of the position. Tenure to be 2 years with option for Tenure to be renewed.
- 7.3. Elected Directors must reside in the targeted catchment areas. Traditional Owner representative Directors must live within the Burnett Mary region or on the fringes of the region and still maintain strong connections to their country with respect to cultural practices and policy.
- 7.4. The Traditional Owner sector shall be represented by two Directors. Each Director shall have an equal voting right and shall be elected in accordance with the process approved by the Traditional Owner Working Group.

7.5. The sectors comprise four (4) Groups:

7.5.1. Industry (3) -

- 7.5.1.1. Primary Industry from Mary Catchment.
- 7.5.1.2. Primary Industry from Burnett Catchment.
- 7.5.1.3. Secondary/Tertiary Industry across Region.

7.5.2. Community (4) -

- 7.5.2.1. Landcare.
- 7.5.2.2. Conservation.
- 7.5.2.3. Catchment.
- 7.5.2.4. Coastal Management.

7.5.3. Local Government (3)

- 7.5.3.1. Burnett West.
- 7.5.3.2. Burnett East.
- 7.5.3.3. Mary.

7.5.4. Traditional Owners (2)

7.6. Traditional Owner protocols and cultural practices

7.6.1. BMRG Governance procedures and policy development must be inclusive of Traditional Owner protocols and cultural practices.

7.7. A Director may be represented by a proxy from the same sector if unable to attend a meeting. Only ONE Proxy is to represent each Group. Proxy to be appointed by consensus of the Directors of that Group. Proxies are to be treated as a full member for that meeting.

7.8. Nomination of Traditional Owner Director proxies are to be elected in accordance with the process approved by the Traditional Owner Working Group. Proxies are to be treated as a full member for that meeting.

7.9. A Director may apply for a leave of absence if circumstances mean he/she may be absent for two consecutive meetings. The Board of Management may after due consideration endorse the request for leave of absence. Application must be received in writing.

7.10. A Director may, with the approval of the Board of Management, appoint an alternate Director from the same sector for the term of the leave of absence. Alternate Director to be treated as the Director for that term.

Position of Director of alternate Director to cease on return of elected Director from leave of absence.

- 7.11. The Board of Management must maintain a Register of Directors. The Register of Directors must include:
- 7.11.1. Full name and address of Director.
  - 7.11.2. Date of appointment of Director.
  - 7.11.3. Date of resignation of Director.
  - 7.11.4. Any other particulars decided as necessary by the Board of Management.
  - 7.11.5. Register is to be open to inspection by members after application to the Secretary.
- 7.12. The Secretary need not be a member or Director of the Association and will be appointed by the Board of Management from the Staff employed by the Association.
- 7.12.1. An appointed Secretary who is not a member of the Association has no voting rights.
  - 7.12.2. The Board of Management may appoint or remove the Association Secretary at any time, in accordance with his or her contract of employment.
  - 7.12.3. In the event of a vacancy occurring a Secretary must be appointed within one month of the vacancy occurring.
- 7.13. A Director may resign from the Board of Management by giving written notice to the Secretary.
- 7.13.1. The resignation takes place from:
    - 7.13.1.1. The day and time notice is received by the Secretary or;
    - 7.13.1.2. If a later day is stated in the notice – the later day.
  - 7.13.2. Vacancies on the Board of Management must be filled by a member elected/nominated by the sector from which the original member was sourced.
  - 7.13.3. When a vacancy occurs the following process will be followed:
    - 7.13.3.1. Expression of interests (EOI) to be sought from the relevant Ordinary Members sector.
    - 7.13.3.2. Public announcement of the EOI will be made.

7.13.3.3. Nomination forms sent to all sector Ordinary Members of that sector.

7.13.3.4. Nominations to be put forward by sector addressing Selection Criteria and providing a 2 page curriculum vitae.

7.13.3.5. Election to be held by vote of all Ordinary Members of relevant sector. The Director so elected will hold a term of office to coincide with the completion of the term of the Director they are replacing.

7.13.3.6. When replacement is for less than 12 months, the Board will select and appoint a replacement on merit from submissions received from eligible persons and in consideration of support from sector Ordinary Members.

## **8. TERMINATION OF DIRECTORS**

8.1. A Director may be terminated if he/she is convicted of an indictable offence;  
or

8.2. Fails to comply with any of the provision of the rules of the Association; or

8.3. Conducts himself/herself in a manner considered to be injurious or prejudicial to the interests of the Association, the Board of Management may decide to terminate the persons membership in the Association and thus ineligible for the position of Director.

8.4. The Director concerned shall be given full and fair opportunity of presenting his/her case before such deliberations occur.

8.5. No appeals process will be available.

## **9. ELECTION OF DIRECTORS AND ROLLOVER PROCESS**

9.1. In order to ensure a dynamic and truly representative Board of Management through time and to ensure the retention of corporate knowledge an Election of Directors will be held annually and will be for terms of three years on a rolling basis in accordance with the Associations Election Policy.

## **10. FUNCTIONS OF THE BOARD OF MANAGEMENT**

10.1. The primary function of the Board of Management is to provide Leadership, Strategic Directions and Policies affecting major decisions of the Association.

10.2. Although the Board is designed to be primarily representational, Directors

may have the skills relevant to the sector they represent to perform their function (as per the Corporations Act and other statutory requirements such as NHT designation) and/or undertake up-skilling to obtain those skills.

- 10.3. Day-to-day administration and operations will be delegated to a Chief Executive Officer who will be employed through an employment process based on skills and ability.
- 10.4. The Chief Executive Officer will at all times operate within Board policy.
- 10.5. Subject to these rules or a resolution at a special meeting, the Board of Management:-
  - 10.5.1. Has the general control and management of the administration of the affairs, property and funds of the Association and;
  - 10.5.2. Has the authority to interpret these rules and any matter relating to the Association on which the rules are silent.
- 10.6. The Board of Management may exercise the powers of the Association -
  - 10.6.1. To borrow, raise or secure the payment of amounts in a way the Association members may decide.
  - 10.6.2. To invest in a way members of the Association may from time-to-time decide.

## **11. RESPONSIBILITIES OF DIRECTORS**

- 11.1. Directors are fiduciaries of the Association.
  - 11.1.1. As fiduciaries, Directors are expected to act in the interests of the Association to the exclusion of Directors separate interests.
  - 11.1.2. Directors must not, in any matter falling within the scope of their service to the Association, have a personal interest or inconsistent engagement with a third party, except with Association's fully informed consent.
  - 11.1.3. Directors must not misuse their position for their own or a third party's possible advantage, except with the Association's fully informed consent and therefore must account to the Association for any gain which they make in connection with their fiduciary office (the profit rule).
  - 11.1.4. Directors must not misappropriate the Association's property for their own or a third party's benefit (the misappropriation rule).

- 11.1.5. Directors of the Board of Management have a duty to:
- 11.1.5.1. Act honestly when exercising their discretion.
  - 11.1.5.2. Give proper consideration to the interests of the Association as a whole when exercising a discretion.
  - 11.1.5.3. Retain their discretion.
- 11.1.6. Directors are under a duty to use the discretions they are given honestly and with reasonable care and diligence for the purposes/objects for which they were conferred.
- 11.1.7. Directors have the duty not to make unauthorised use of information that is not public knowledge.
- 11.1.8. Directors have the duty not to improperly apply Association property either for the Director's personal benefit or the benefit of a third party without the authority of the Association.
- 11.1.9. Directors must not fail to exercise any discretion or volition or disregard his duty as a Director to the Association as a whole.
- 11.1.10. Director's duty to the Association must always take precedence over the Member's duty to any person or group.
- 11.2. Directors have the right to represent other groups, however, as Fiduciaries, Directors have a duty to avoid actual or possible Conflicts of Interest as per the Associations Conflict of Interest Policy.
- 11.2.1. This duty applies not only to the Director's personal interest, but extends to the Directors duty to third parties.
- 11.3. Directors have a duty to:
- 11.3.1. Disclose the conflict to the Board of Management.
  - 11.3.2. Refrain from participating in any discussions regarding the conflict.
  - 11.3.3. Refrain from voting on any motion which has the potential to be affected by the conflict.
  - 11.3.4. Recommend a course of action to the Board of Management to limit any possible harm to the Association arising from the conflict of interest.
  - 11.3.5. Directors will register actual or perceived conflicts of interest to be kept on file.

## **12. MEETINGS OF THE BOARD OF MANAGEMENT**

- 12.1. Subject to the following sub-sections, the Board of Management may meet and conduct its proceedings, as it considers appropriate.
- 12.2. The Board of Management must meet at least once every three (3) months to exercise its functions.
- 12.3. Notice of a meeting is to be given in the way decided by the Board of Management.
- 12.4. If the Secretary receives a written request signed by at least four (4) Directors, the Secretary must convene a special meeting of the board.
- 12.5. A request for a special meeting must state:
  - 12.5.1. Why the meeting is being called.
  - 12.5.2. The business to be conducted at the meeting.
- 12.6. The Secretary must give every Director at least 14 days notice of a special meeting.
- 12.7. A Notice of a Special Meeting must state:
  - 12.7.1. The day, time and place of the meeting.
  - 12.7.2. The Business to be conducted at the meeting.
- 12.8. At a Board of Management meeting more than 50% of Directors must constitute a quorum.
- 12.9. A Director must not vote on a question about a contract or proposed contract with the Association if the Director has an interest in the contract or proposed contract.
- 12.10. The Chair or if there is no Chair or if the Chair is not present within 10 minutes after the time fixed for a Board of Management meeting, the Deputy Chair is to preside as Chairperson at the meeting.
- 12.11. If the Chair and Deputy Chair are absent from a Board of Management meeting, the Directors who are present, provided that a quorum is present, may choose one (1) of the number to preside as Chairperson at the meeting.
- 12.12. If a quorum is not present within 30 minutes after the time fixed for a Board of Management meeting the meeting lapses.
- 12.13. If a quorum is not present within 30 minutes after the time fixed for a Board of Management meeting, the meeting is to be adjourned to:
  - 12.13.1. The same day, time and place in the next week, or

12.13.2. A day, time and place decided by the Secretary or Returning officer after consideration is given of Directors' availability to gain a quorum.

12.14. If at the reconvened meeting mentioned in 12.12, a quorum is not present within 30 minutes after the fixed time for the meeting, the meeting lapses.

12.15. The Board of Management may make amend or repeal by-laws not inconsistent with the aforementioned rules.

### **13. DELEGATION OF BOARD OF MANAGEMENT POWERS**

13.1. Election of the Executive: The Board of Management will appoint a Deputy Chair, Treasurer and one other person within 14 days of the AGM to operate as an Executive in conjunction with the Independent Chair.

13.1.1. The Executive may act on behalf of the Board of Management in relation to operational or financial matters.

13.1.2. The Executive will act within Board of Management policies at all times.

13.1.3. The Board of Management will be informed and any decisions made by the Executive must be ratified at the next Board of Management meeting.

13.1.4. The Returning Officer will be the Chief Executive Officer or their nominee.

13.2. Formation of Subcommittees: The Board of Management may delegate powers to a sub-committee consisting of people appropriate to the resolution of powers delegated to that sub-committee. A sub-committee may only exercise the powers delegated to it by the Board of Management.

13.2.1. The sub-committee is to report to the Board of Management in writing after each-sub-committee meeting.

13.2.2. Decisions made by sub-committee must be endorsed by the Board of Management at the next subsequent meeting.

13.2.3. Sub-committees are to operate under same meeting procedures and policies as the Board of Management.

### **14. ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATION**

14.1. An act performed by the Board of Management or sub-committee or a person

acting as a Director applies even if the act was performed when,

14.1.1. There was a defect in the appointment of the Director, sub-committee or person acting for the Board of Management; or

14.1.2. A Director, sub-committee, or person acting for the Board of Management was disqualified from being a member.

## **15. ANNUAL GENERAL MEETINGS**

15.1. Annual General Meetings must be held at least once each year,

15.2. Within 6 months after the end of the Association's previous financial year.

15.3. A quorum at an Annual General Meeting shall consist of members equal to double the number of members of the association presently on the Board of Management plus 1.

15.4. Business to be conducted at Annual General Meetings.

15.4.1. Receiving a report on activities conducted in previous year.

15.4.2. Receiving the Statement of Income and Expenditure, assets, liabilities, charges and securities affecting the property of the Association for the last financial year.

15.4.3. Receiving the Auditor's report on the financial affairs of the Association for the last financial year.

15.4.4. Presenting the audited statement to the meeting for adoption.

15.4.5. Confirming Directors of the Board of Management.

15.4.6. Appointing the Auditor.

## **16. BY-LAWS**

16.1. The Board of Management may make By-Laws not inconsistent with these rules or relevant legislation for the internal management of the Association.

16.2. A By-Law may be set-aside or amended by notice of motion at a meeting of the Board of Management.

## **17. ALTERATION OF RULES**

17.1. Subject to the *Associations Incorporation Act 1981*, the Rules of the Association may be amended, repealed or added to by a special resolution carried at a general meeting of the members.

17.2. However an amendment, repeal or addition is only valid, if it is registered by the Chief Executive of The Office of Fair Trading.

## **18. COMMON SEAL**

18.1. The Board of Management must ensure the Association has a common seal.

18.2. The common seal must be:

18.2.1. Kept securely by the Board of Management.

18.2.2. Used only under the authority of the Board of Management.

18.3. Each instrument to which the seal is attached must be signed by a Director on the Executive or the Independent Chair and countersigned by another Director or someone appointed by the Executive as witness.

## **19. FUNDS AND ACCOUNTS**

19.1. The income and property of the Association whensoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein. No portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise, by way of profit to or amongst the members of the Association. Nothing herein contained shall prevent the payment in good faith to any such member in respect of moneys advanced by the member to the association or otherwise owing by the Association to the member or of remuneration to any officers or servants of the Association or to any member of the Association or other person in return for any services actually rendered to the Association. Further nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association.

19.2. The funds of the Association must be kept in an account in the name of the Association in a financial institution decided by the Board of Management.

19.3. Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Association.

19.4. All amounts must be deposited in the financial institution account as soon as is practicable after receipt.

- 19.5. Payments of \$100 or more must be paid by cheque or electronic funds transfer. All cheques must be signed by any two of the following:
- 19.5.1. The Independent Chair.
  - 19.5.2. The Secretary.
  - 19.5.3. The Treasurer.
  - 19.5.4. Any other person authorised by the Board of Management for the purpose. All cheques issued must be crossed “Not Negotiable”.
- 19.6. A petty cash account must be kept on the imprest system and the Board of Management must decide the amount of petty cash to be kept in the account.
- 19.7. Wages and contractual payments may be paid by electronic transfer.
- 19.8. The Treasurer shall present at each meeting a financial statement of accounts, income and expenditure.
- 19.9. The Treasurer must, as soon as practicable after the end of each financial year, ensure a statement containing the following particulars is prepared –
- 19.9.1. The income and expenditure for the financial year just ended.
  - 19.9.2. The association’s assets and liabilities at the close of the year.
- 19.10. The mortgages, charges and securities affecting the property of the Association at the close of the year.
- 19.11. The auditor must examine the statement prepared under subsection 19.9 and present a report about it to the Secretary before the next annual general meeting following the financial year for which the audit was made.
- 19.12. The income and property of the Association must be used solely in promoting the Association’s objects and exercising the Association’s powers.

**20. ~~BURNETT MARYECOVERY~~ ENVIRONMENT FUND**

- 20.1. Requirements of the Public Fund
- 20.1.1. The organisation must inform the Department responsible for the environment as soon as possible if:
    - 20.1.1.1. It changes its name or the name of the Public Fund; or
    - 20.1.1.2. There is any change to the membership of the management committee of the Public Fund; or
    - 20.1.1.3. There has been any departure from the model rules for public funds located in the Guidelines to the Register of Environmental Organisations.

## 20.2. Ministerial Rules

20.2.1. The organisation 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 Public Fund are only used for its principal purpose.

## 20.3. Not-for-Profit

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

## 20.4. Conduit Policy

20.4.1.1. Any allocation of funds or property to other persons or organisations will be made in accordance with the established purposes of the organisation and not be influenced by the preference of the donor.

## 20.5. Winding-up

20.5.1.1. In case of the winding-up of the Public Fund, any surplus assets are to be transferred to another fund with similar objectives that is on the Register of Environmental Organisations.

## 20.6. Statistical Information

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

20.6.1.2. An Audited financial statement for the organisation and the Public Fund will be supplied with the annual statistical return. The statement will provide information on the expenditure of the Public Fund monies and the management of the Public Fund assets.

## 20.7. Rules for the ~~Burnett Mary Ecovery~~ Environment Fund

20.7.1. The objective of the Public Fund is to support the organisation's environmental purposes.

20.7.2. Members of the public are to be invited to make gifts of money or property to the Public Fund for the environmental purposes of the organisation.

20.7.3. Money from interest on donations, income derived from donated property, and money from the realisation of such property is to be deposited into the Public Fund.

~~20.7.4.~~ A separate bank account is to be opened to deposit money donated to the Public Fund, including interest accruing thereon, and gifts to it are to

be kept separate from other funds of the organisation.

~~20.7.5~~20.7.4. Receipts are to be issued in the name of the Public Fund and proper accounting records and procedures are to be kept and used for the fund.

~~20.7.5.~~ The Public Fund will be operated on a not-for-profit basis.

20.7.6. The Fund is subject to the provisions of the Association Incorporations Act 1981 and the resolutions of the Management Committee (the Board) of the Association. A majority of the members of the committee (the Board) are required to be 'responsible' persons as defined in the Guidelines to the Register of Environmental Organisations.

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## 21. DOCUMENTS

21.1. The Board of Management must ensure the safe custody of books, documents, instruments of title and securities of the Association.

## 22. FINANCIAL YEAR

22.1. The financial year of the Association closes on 30th June in each year.

## 23. DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

23.1. This section applies if the Association:

23.1.1. Is wound-up under Part 10 of the *Incorporations Act 1981*; and

23.1.2. It has surplus assets.

23.2. The surplus assets must not be distributed among the Association members.

23.3. The surplus assets must be given to another entity:

23.3.1. Having objects similar to the Association's objects; and

23.3.2. The rules of which prohibit the distribution of the entity's income and assets to its members.

23.4. In this section: -

23.4.1. "surplus assets" has the meaning given by section 92(3) of the *Incorporations Act 1981*.

23.5. If the Association shall be wound up in accordance with the provisions of the *Associations Incorporations Act 1981* and there remains, after

satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the association, but shall be given or transferred to some other institution or institutions having objects similar to the objects of the association, gifts to which are allowable deductions under the provisions of Section 78(4) and (5) of the *Income Tax Assessment Act* and which shall prohibit the distribution of its or their income, and property among its or their members to an extent at least as great as is imposed on the Association under or by virtue of rule 28(10). Such an institution or institutions to be determined by the Board of Management.