



PO Box 30, Magnetic Island
QLD 4819

Rules of Association

NAME

1. The name of the incorporated association shall be "***Magnetic Island Nature Care Association Incorporated***" ("the association").

OBJECTS

2. The objects for which the association is established are –
 - To ensure that human activity in the region (i.e. Magnetic Island and adjacent waters) respects species, habitats and the integrity of ecosystems.
 - To conserve and preserve the region's natural biodiversity, ecological resilience and integrity of ecosystems.
 - To promote and defend the principle that development must only occur within the framework of:
 - ecological sustainability
 - intergenerational equity &
 - the precautionary principle.
 - To:
 - develop policies
 - contribute to educating the communities we serve
 - work with governments, non government organizations and commercial and business interests
 - promote legislation
 - make submissions
 - produce reports and original research
 - support efficient use of resources within the context of ecological sustainability
 - accept grants

in order to achieve the objectives of the association.

 - To follow directions, engage in issues and participate in activities as they arise, deemed by the management committee as appropriate to the interests of the association.

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Signature:

Name: **Gethin Morgan** Position: **President**

Name: **Peter Hansen** Position: **Secretary**

POWERS

3. (1) The association has, in the exercise of its affairs, all the powers of an individual.
- (2) The association may, for example -
 - (a) enter into contracts; and
 - (b) acquire, hold, deal with and dispose of property; and
 - (c) make charges for services and facilities it supplies; and
 - (d) do other things necessary or convenient to be done in carrying out its affairs.
- (3) The association may take over the funds and other assets and liabilities of the present unincorporated association known as '*Magnetic Island Nature Care*'.
- (4) The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

CLASSES OF MEMBERS

4. (1) The membership of the association shall consist of ordinary members, and any of the following classes of members -
 - (a) Junior members (less than 18 years old, and therefore ineligible to vote or hold office)
 - (b) Family membership (two (2) adults and all children in the household under 18 yrs of age)
 - (c) Life members (must have been membership of MINCA 5 years or more).
- (2) The number of ordinary members is unlimited.

MEMBERSHIP

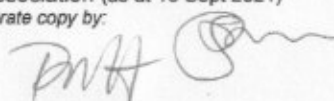
5. (1) Every person who at the date of incorporation of the association was a member of the unincorporated association and who, on or before a day fixed by the management committee, agrees in writing to become a member of the association, shall be admitted by the management committee to the same class of membership of the association as that member held in the unincorporated association.
- (2) Every member of the association who previously agreeing to become a member of the association, has paid the member's subscription on or before the date fixed by the management committee for the purpose, as a member of the unincorporated association, shall not be liable to pay a further sum by way of annual subscription to the association for the period before the date fixed by the management committee as the date the next annual subscription becomes due.
- (3) Every applicant for any class of membership of the association (other than the members of the unincorporated association referred to in sub-rule (1)), shall be proposed by 1 member of the association and seconded by another member.

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- (4) The application for membership shall be made in writing, signed by the applicant and the applicant's proposer and seconder and shall be in such form as the management committee from time to time prescribes.
- (5) No person shall be allowed to become honorary members of the charity or association or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the constitution and subject to the conditions and provisions provided therein.

MEMBERSHIP FEES

- 6. (1) The membership fees for each class of membership shall be such sum as the members shall from time to time at any general meeting so determine.
- (2) The membership fees for each class of membership shall be payable at such time and in such manner as the management committee shall from time to time determine.

ADMISSION AND REJECTION OF MEMBERS

- 7. (1) At the next meeting of the management committee after receipt of any application and the fee applicable for any class of membership, such application shall be considered by the management committee, who shall thereupon determine upon the admission or rejection of the applicant.
- (2) Any applicant who receives a majority of the votes of the members of the management committee present at the meeting at which such application is being considered shall be accepted as a member to the class of membership applied for.
- (3) Upon the acceptance or rejection of an application for any class of membership the secretary shall forthwith give the applicant notice in writing of such acceptance or rejection.

TERMINATION OF MEMBERSHIP

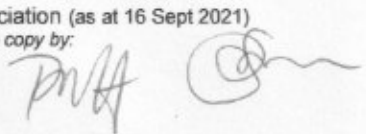
- 8. (1) A member may resign from the association by giving a written notice of resignation to the secretary.
- (2) Such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date.
- (3) If a member -
 - a) is convicted of an indictable offence; or
 - b) fails to comply with any of the provisions of these rules; or
 - c) has membership fees in arrears for 2 months or more; or

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- d) conducts himself or herself in a manner considered to be injurious or prejudicial to the character or interests of the association,

the management committee shall consider whether the member's membership shall be terminated.

- (4) The member concerned shall be given a full and fair opportunity of presenting the member's case and if the management committee resolves to terminate the membership, it shall instruct the secretary to advise the member in writing accordingly.

APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

9. (1) A person whose application for membership has been rejected, or whose membership has been terminated, may within 1 month of receiving written notification thereof, lodge with the secretary written notice of the person's intention to appeal against the decision of the management committee.
- (2) Upon receipt of a notification of intention to appeal against rejection or termination of membership the secretary shall convene, within 3 months of the date of receipt by the secretary of such notice, a general meeting to determine the appeal.
- (3) At any such meeting, the applicant shall be given a full and fair opportunity to fully present the applicant's case and the management committee or those members thereof who rejected the application for membership or terminated the membership subsequently shall likewise have the opportunity of presenting its or their case.
- (4) The appeal shall be determined by the vote of the members present at such meeting.
- (5) Where a person whose application is rejected, does not appeal against the decision of the management committee within the time prescribed by these rules or so appeals but the appeal is unsuccessful, the secretary shall forthwith refund the amount of any fee paid.

REGISTER OF MEMBERS

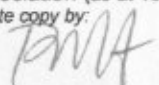

10. (1) The management committee shall cause a register to be kept in which shall be entered the names and residential addresses of all persons admitted to membership of the association and the dates of their admission.
- (2) Particulars shall also be entered into the register of deaths, resignations, terminations and reinstatements of membership and any further particulars as the management committee or the members at any general meeting may require from time to time.
- (3) The register shall be open for inspection at all reasonable times by any member who previously applies to the secretary for such inspection.

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SECRETARY

- 11 (1) If the association has not elected an interim officer as secretary for the association before its incorporation, the members of the management committee must appoint or elect a secretary for the association within 1 month after incorporation.
- (2) If a vacancy happens in the office of secretary, the members of the management committee must appoint or elect a secretary within 1 month after the vacancy happens.
- (3) The secretary must be an individual residing in Queensland, or in another State but not more than 65 km from the Queensland border, who is –
- a) a member of the association elected by the association as secretary; or
 - b) a member of the association's management committee appointed by the committee as secretary; or
 - c) appointed by the management committee as secretary (whether or not the individual is a member of the association).
- (4) The management committee may appoint and remove the secretary at any time.

MEMBERSHIP OF MANAGEMENT COMMITTEE

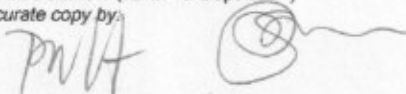
12. (1) The management committee of the association consists of a president, vice-president, treasurer, all of whom shall be members of the association, and such number of other members as the members of the association at any general meeting may from time to time elect or appoint.
- (2) At the annual general meeting of the association, the members of the management committee for the time being shall retire from office, but shall be eligible upon nomination for re-election.
- (3) The election of officers and other members of the management committee shall take place in the following manner –
- a) any 2 members of the association shall be at liberty to nominate any other member to serve as an officer or other member of the management committee;
 - b) the nomination, which shall be in writing and signed by the member and the member's proposer and seconder, shall be lodged with the secretary at least 14 days before the annual general meeting at which the election is to take place;
 - c) a list of candidates' names in alphabetical order, with the proposers' and seconders' names, shall be posted in a conspicuous place in the office or usual place of meeting of the association for at least 7 days immediately preceding

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the annual general meeting;

d) balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order, and each member present at the annual general meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies;

e) should, at the commencement of such meeting, there be insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.

RESIGNATION OR REMOVAL FROM OFFICE OF MANAGEMENT COMMITTEE MEMBER

13. (1) Any member of the management committee may resign from membership of the management committee at any time by giving notice in writing to the secretary but such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date or such member may be removed from office at a general meeting of the association where that member shall be given the opportunity to fully present the member's case.
- (2) The question of removal shall be determined by the vote of the members present at such a general meeting.
- (3) There is no right of appeal against a member's removal from office under this section.

VACANCIES ON MANAGEMENT COMMITTEE

14. (1) The management committee shall have power at any time to appoint any member of the association to fill any casual vacancy on the management committee until the next annual general meeting.
- (2) The continuing members of the management committee may act notwithstanding any casual vacancy in the management committee, but if and so long as their number is reduced below the number fixed by or pursuant to these rules as the necessary quorum of the management committee, the continuing member or members may act only for the purpose of increasing the number of members of the management committee to that number or of summoning a general meeting of the association, but for no other purpose.

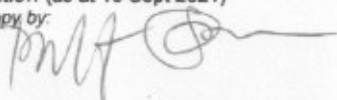
FUNCTIONS OF MANAGEMENT COMMITTEE

15. (1) Except as otherwise provided by these rules and subject to resolutions of the members of the association carried at any general meeting, the management committee –
 - a) shall have the general control and management of the administration of the affairs, property and funds of the association; and

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b) shall have authority to interpret the meaning of these rules and any matter relating to the association on which these rules are silent.

(2) The management committee may exercise all the powers of the association –

a) to borrow or raise or secure the payment of money in such manner as the members of the association may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the association in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the association's property, both present and future, and to purchase, redeem or pay off any such securities;

b) to borrow amounts from members and to pay interest on the amounts borrowed; and to mortgage or charge its property or any part thereof and to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the association, and to provide and pay off any such securities; and

c) to make secure investments of MINCA funds subject to the unanimous agreement of the MINCA Management Committee and the MINCA Public Fund Management Committee, and the approval of the auditor.

(3) For sub-section (2)(b), the rate of interest must not be more than the rate for the time being charged for overdrawn accounts for money lent (whatever the term of the loan) by –

a) the financial institution for the association; or

b) if there is more than 1 financial institution for the association - the financial institution nominated by the association.

MEETINGS OF MANAGEMENT COMMITTEE

16. (1) The management committee shall meet at least once every 4 calendar months to exercise its functions.

(2) The management committee must decide how a meeting is to be called.

(3) Notice of a meeting is to be given in the way decided by the management committee.

(4) A special meeting of the management committee shall be convened by the secretary on the requisition in writing signed by not less than one-third of the members of the management committee, which requisition shall clearly state the reasons why such special meeting is being convened and the nature of the business to be transacted thereat.

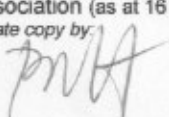

(5) At every meeting of the management committee a simple majority of a number equal

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to the number of members elected and/or appointed to the management committee as at the close of the last general meeting of the members, shall constitute a quorum.

- (6) Subject as previously provided in this section, the management committee may meet together and regulate its proceedings as it thinks fit.
- (7) However, questions arising at any meeting of the management committee shall be decided by a majority of votes and, in the case of equality of votes, the question shall be deemed to be decided in the negative.
- (8) A member of the management committee shall not vote in respect of any contract or proposed contract with the association in which the member is interested, or any matter arising thereout, and if the member does so vote the member's vote shall not be counted.
- (9) Not less than 14 days notice shall be given by the secretary to members of the management committee of any special meeting of the management committee.
- (10) Such notice shall clearly state the nature of the business to be discussed thereat.
- (11) The president shall preside as chairperson at every meeting of the management committee, or if there is no president, or if at any meeting the president is not present within 10 minutes after the time appointed for holding the meeting, the vice-president shall be chairperson or if the vice-president is not present at the meeting then the members may choose 1 of their number to be chairperson of the meeting.
- (12) If within half an hour from the time appointed for the commencement of a management committee meeting a quorum is not present, the meeting, if convened upon the requisition of members of the management committee shall lapse.
- (13) In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the management may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.

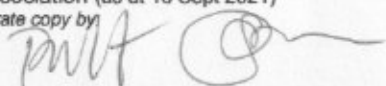
DELEGATION OF MANAGEMENT COMMITTEE POWERS

- 17. (1) The management committee may delegate any of its powers to a subcommittee consisting of such members of the association as the management committee thinks fit.
- (2) Any subcommittee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the management committee.
- (3) A subcommittee may elect a chairperson of its meetings.
- (4) If no such chairperson is elected, or if at any meeting the chairperson is not present

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Name: **Peter Hansen** Position: **Secretary**

within 10 minutes after the time appointed for holding the meeting, the members present may choose 1 of their number to be chairperson of the meeting.

- (5) A subcommittee may meet and adjourn as it thinks proper.
- (6) Questions arising at any meeting shall be determined by a majority of votes of the members present and, in the case of an equality of votes, the question shall be deemed to be decided in the negative.

ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

- 18. All acts done by any meeting of the management committee or of a subcommittee or by any person acting as a member of the management committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the management committee, or person acting as aforesaid, or that the members of the management committee or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the management committee.

RESOLUTIONS OF MANAGEMENT COMMITTEE WITHOUT MEETING

- 19. (1) A resolution in writing signed by all members of the management committee for the time being entitled to receive notice of a meeting shall be as valid and effectual as if it had been passed at a meeting of the management committee duly convened and held.
- (2) Any such resolution may consist of several documents in like form, each signed by 1 or more members of the committee.

FIRST GENERAL MEETING

- 20. (1) The first general meeting must be held not less than 1 month, and not more than 3 months, after the day the association is incorporated.
- (2) The management committee must decide where the meeting is to be held.
- (3) The business to be transacted at the first general meeting must include the appointment of an auditor.

FIRST ANNUAL GENERAL MEETING

- 21. The first annual general meeting must be held within 18 months after the day the association is incorporated.

SUBSEQUENT ANNUAL GENERAL MEETINGS

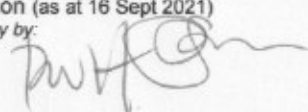
- 22. Each subsequent annual general meeting must be held –
a) at least once each year; and

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Name: **Peter Hansen** Position: **Secretary**

- b) within 3 months after the end of the association's previous financial year.

BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING

23. The following business must be conducted at every annual general meeting –

- a) the receiving of the statement of income and expenditure, assets and liabilities and of mortgages, charges and securities affecting the property of the association for the last financial year;
- b) the receiving of the auditor's report on the financial affairs of the association for the last financial year;
- c) the presenting of the audited statement to the meeting for adoption;
- d) the election of members of the management committee;
- e) the appointment of an auditor.

SPECIAL GENERAL MEETING

24. (1) The secretary shall convene a special general meeting by sending out notice of the meeting within 14 days of –

- a) being directed to do so by the management committee; or
- b) being given a requisition in writing signed by not less than one-third of the members of the association presently on the management committee; or not less than the number of ordinary members of the association which equals double the number of members presently on the management committee plus one;
- c) being given a notice in writing of an intention to appeal against the decision of the management committee to reject an application for membership; or to terminate the membership of any person.

- (2) A requisition mentioned in subsection (1)(b) shall clearly state the reasons why such special general meeting is being convened; and the nature of the business to be transacted thereat.

QUORUM AT A GENERAL MEETING

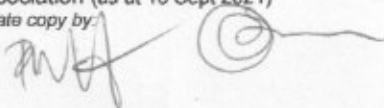
25. (1) At any general meeting the number of members required to constitute a quorum shall be double the number of members presently on the management committee plus 1.
- (2) No business shall be transacted at any general meeting unless a quorum of members is

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present at the time when the meeting proceeds to business.

- (3) For the purpose of this rule –

"member" includes a person attending as a proxy or as representing a corporation which is a member.

- (4) If within half an hour from the time appointed for the commencement of a general meeting a quorum is not present, the meeting, if called upon the requisition of members of the management committee or the association, shall lapse.
- (5) In any other case it shall stand adjourned to the same day in the next week, at the same time and place, or to such other day, and at such other time and place as the management committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.
- (6) The chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (7) When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- (8) Save as aforesaid, it shall not be necessary to give any notice of any adjournment or of the business to be transacted at an adjourned meeting.

NOTICE OF GENERAL MEETING

26. (1) The secretary shall convene all general meetings of the association by giving not less than 14 days' notice of any such meeting to the members of the association.
- (2) The manner by which such notice shall be given shall be determined by the management committee
- (3) However notice of any meeting convened for the purpose of hearing & determining the appeal of a member against the rejection or termination of membership by the management committee shall be given in writing.
- (4) Notice of a general meeting shall clearly state the nature of the business to be discussed thereat.

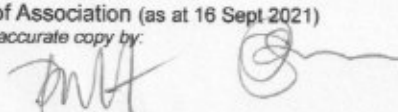
PROCEDURE AT GENERAL MEETING

27. (1) Unless otherwise provided by these rules, at every general meeting –

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Name: **Gethin Morgan** Position: **President**

Name: **Peter Hansen** Position: **Secretary**

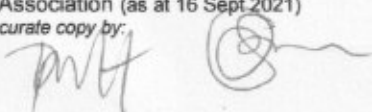
- a) The president shall preside as chairperson or if there is no president or if the president is not present within 15 minutes after the time appointed for the holding of the meeting or is unwilling to act the vice-president shall be the chairperson or the vice-president is not present or is unwilling to act then the members present shall elect 1 of their number to be chairperson of the meeting; and
- b) the chairperson shall maintain order and conduct the meeting in a proper and orderly manner; and
- c) every question, matter or resolution must be decided by a majority of votes of the members present; and
- d) every financial member present shall be entitled to 1 vote and in the case of an equality of votes, the chairperson shall have a second or casting vote; and
- e) however no member shall be entitled to vote at any general meeting if the member's annual subscription is in arrears at the date of the meeting; and
- f) voting shall be by a show of hands or a division of members, unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot; and
- g) The chairperson shall appoint 2 members to conduct the secret ballot in such manner as the chairperson shall determine and the result of the ballot as declared by the chairperson shall be deemed to be the resolution of the meeting at which the ballot was demanded; and
- h) a member may vote in person or by proxy or by attorney and on a show of hands every person present who is a member or a representative of a member shall have 1 vote and in a secret ballot every member present in person or by proxy or by attorney or other duly authorised representative shall have 1 vote; and
- i) the instrument appointing a proxy shall be in writing, in the common or usual form under the hand of the appointor or of the appointor's attorney duly authorised in writing or if the appointor is a corporation, either under seal or under the hand of an officer or attorney duly authorized; and
- j) a proxy may but need not be a member of the association; and
- k) the instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a secret ballot; and
- l) whereas it is desired to afford members an opportunity of voting for or against a resolution, the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances permit –

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Signature:



Name: **Gethin Morgan** Position: **President**

Name: **Peter Hansen** Position: **Secretary**

ASSOCIATION: _____

I, _____ of

_____, being a member of the abovementioned association,
hereby

appoint _____ of

_____, or failing the member,

_____ of

as my proxy to vote for me on my behalf at the (annual) general meeting of the

association, to be held on the _____ day of _____, 20____,
and at any adjournment thereof.

Signed this _____ day of _____, 20____.

_____ Signature.

This form is to be used * *in favour of* the resolution.
against

*Strike out whichever is not wanted. Use only when resolution has been circulated.
(Unless otherwise instructed, the proxy may vote as the proxy thinks fit.);

and

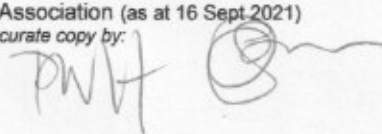
- m) the instrument appointing a proxy shall be deposited with the secretary prior to the commencement of any meeting or adjourned meeting at which the person named in the instrument proposes to vote; and
 - n) the secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting and general meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the secretary for that inspection.
- (2) For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every management committee meeting shall be signed by the chairperson of the meeting, or the chairperson of the next succeeding management committee

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meeting, verifying their accuracy.

- (3) Similarly, the minutes of each general meeting shall be signed by the chairperson of that meeting, or the chairperson of the next succeeding general meeting.
- (4) However, the minutes of any annual general meeting shall be signed by the chairperson of that meeting, or the chairperson of the next succeeding general meeting or annual general meeting, verifying their accuracy.

BY-LAWS

- 28. The management committee may from time to time make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the association and any by-law may be set aside by a general meeting of members.

ALTERATION OF RULES

- 29. (1) Subject to the provisions of the *Associations Incorporation Act 1981*, these rules may be amended, rescinded or added to from time to time by a special resolution carried at any general meeting.
- (2) However an amendment, rescission or addition is valid only if it is registered by the chief executive.

COMMON SEAL

- 30. (1) The management committee shall provide for a common seal and for its safe custody.
- (2) The common seal shall only be used by the authority of the management committee and every instrument to which the seal is affixed shall be signed by a member of the management committee and shall be countersigned by the secretary or by a second member of the management committee or by some other person appointed by the management committee for the purpose.

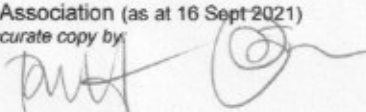
FUNDS AND ACCOUNTS

- 31. (1) The funds of the association must be kept in the name of the association in a financial institution decided by the management committee.
- (2) Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the association and the particulars usually shown in books of a like nature.
- (3) All monies shall be deposited as soon as practicable after receipt thereof.
- (4) All amounts of \$100 or over shall be paid by cheque signed by any 2 of the president, secretary, treasurer or other member authorised from time to time by the

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Signature:



Name: *Gethin Morgan* Position: *President*

Name: *Peter Hansen* Position: *Secretary*

management committee.

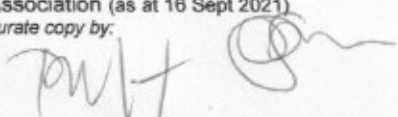
- (5) Cheques shall be crossed 'not negotiable' except those in payment of wages, allowances or petty cash recouplements which may be open.
- (6) The management shall decide the amount of petty cash which shall be kept on the imprest system.
- (7) All expenditure must be approved or ratified at a management committee meeting.
- (8) As soon as practicable after the end of the financial year, the treasurer shall cause to be produced a statement containing the following particulars of –
 - a) the income and expenditure for the financial year just ended; and
 - b) the assets and liabilities and of all mortgages, charges and securities affecting the property of the association at the close of that year.
- (9) If the association is incorporated within 3 months before the end of the association's financial year, subsection (8) does not apply for the financial year in which the association is incorporated.
- (10) The auditor must examine the statement prepared under subsection (8) and present a report on it to the secretary before the next annual general meeting following the financial year for which the audit was made.
- (11) 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.
- (12) All donations to the association for which Commonwealth tax deductibility has been offered must be deposited into a public fund (also known as a "gift fund"), in accordance with the provisions of section 78AB of the Income Tax Assessment Act 1939 (or any other subsequent legislation), which is to be exclusively applied to achievement of any of the environmental purposes contained within the objects of the association.
- (13) Where any local or affiliated branch or section of the charity or association, as the case may be, is unable to make any lawful appeal for support for that local or affiliated branch or section or for its objects, as distinct from an appeal for support for the central body or the objects of the central body, no moneys or property whatsoever shall be paid or transferred to the local or affiliated branch or section of the charity or association, as the case may be, or used for the purposes of the local or affiliated branch or section first mentioned.

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DOCUMENTS

32. The management committee shall provide for the safe custody of books, documents, instruments of title and securities of the association.

FINANCIAL YEAR

33. The financial year of the association closes on 30 June in each year.

DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

34. (1) This section applies if the association is wound-up under part 10 of the Act and there are surplus assets.
- (2) In the event of the organization being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities (the surplus assets) shall be transferred to any incorporated organization which has similar objects and which is approved by the Commissioner of Taxation for the purposes of subsection 78 (4) of the Income Tax Assessment Act 1936 and whose rules prohibit the distribution of its income and assets to its members.
- (3) In this section –
"surplus assets" has the meaning given by section 92(3) of the Act.
- (4) The organization shall be dissolved:
- a) if the membership is less than seven persons: or
- b) if a resolution to that effect is carried by a vote of three-fourths majority of the financial members present at a general meeting convened to consider the question.

PUBLIC FUND – ESTABLISHMENT AND OPERATION

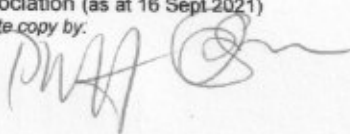
35. (1) Any public fund established for the purpose outlined in rule 31(12) shall be known as 'Magnetic Island Nature Care Association Incorporated Public Fund'.
- (2) a) The organisation will establish and maintain a public fund to be called the Magnetic Island Nature Care Association Incorporated Public Fund for the specific purpose of supporting the environmental objects/purposes of Magnetic Island Nature Care Association 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 30-E of the Income Tax Assessment Act 1997.
- b) The organisation must inform the Department responsible for the environment as soon as possible if:

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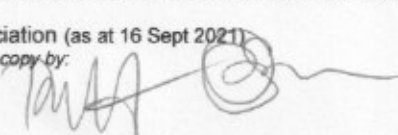
- It changes its name or the name of its public fund; or
 - There is any change to the membership of the management committee of the public fund; or
 - There has been any departure from the model rules of the public fund.
- c) The Association shall comply with any rules that the treasurer and the minister with responsibility for the environment may make to ensure that gifts made to the Magnetic Island Nature Care Association Incorporated Public Fund are only used for its principle purpose.
- d) The allocation by the Association of any funds or property to other organisations, persons or groups will be made in accordance with the established objectives of the Association and not be influenced by the expressed preference or interest of any particular donor or donors to the Association.
- e) In the event of the winding up of the Magnetic Island Nature Care Association Incorporated Public Fund, any surplus assets are to be transferred to another fund with similar objectives that is on the Register of Environmental Organisations.
- f) 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. 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.
- (3) a) The objective of the Magnetic Island Nature Care Association Incorporated Public Fund is to support the organisation's environmental purposes.
- b) Members of the general public are to be invited to make gifts of money or property to the Magnetic Island Nature Care Association Incorporated Public Fund for the environmental purposes of the organisation.
- c) Money from interest on donations, income derived from donated property, and money from the realisation of such property are to be deposited into the Magnetic Island Nature Care Association Incorporated Public Fund.
- d) A separate bank account is to be opened to deposit money donated to the Magnetic Island Nature Care Association Incorporated Public Fund, including interest accruing thereon, and gifts to it are to be kept separate from other funds of the organisation.
- e) Receipts are to be issued in the name of the Magnetic Island Nature Care Association Incorporated Public Fund and proper accounting records and procedures are to be kept and used for the fund.
- f) The Magnetic Island Nature Care Association Incorporated Public Fund will be operated on a non-profit basis. None of the money or property accumulated by the fund will be distributed to members of the Association (or trustees of the Fund) apart from proper

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remuneration for administrative services.

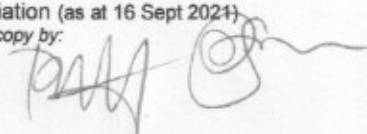
- g) The Fund will be administered by a committee of management of no fewer than three persons. The committee will be appointed by the Executive Committee of the Association. A majority of the members of the committee are required to have the requisite degree of responsibility to the general public, that is persons who, because of their tenure of some public office or their position in the community, have a degree of responsibility to the community as a whole as distinct from obligations solely in regard to the environmental objects of the Association.
 - h) The fund is subject to the provisions of the Associations Incorporation Act 1981 and the resolutions of the management committee of the association.
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