

Bwgcorman Land Trust

Minutes of Meeting Sunday, 4th September 2011

Meeting Venue: Hospital Conference Room

Meeting Opened: 12.23 pm

In Attendance: s78B(2) - Personal information

Apologies:

Opening in Prayer:

AGENDA

Business Arising from Previous Meeting 27/11/2010

- s78B(2) stated she disagreed with any one (1) board member holding two (2) executive roles or positions. She said an executive position should have only one member.
- s78B(2) then relinquished his position as "Deputy Chair" and held his position as "Public Officer".
- This then left the "Deputy Chair" position now available.
- s78B(2) moved a motion to nominate s78B(2) as "Deputy Chair" and s78B(2) seconded the motion. s78B(2) accepted the position.
*All in favour *Motion Carried
- s78B(2) moved a motion to nominate s78B(2) to be a member of the Bwgcorman Land Trust. s78B(2) seconded the motion. s78B(2) accepted.
*All in favour *Motion Carried
- Also being noted that there is still no minutes from the previous meeting of the AGM for 2009.
- No further business arising.

GENERAL BUSINESS

- ❖ s78B(2) heard that Fijians were going to build their church to worship on the Aitkenvale grounds.
- ❖ s78B(2) said that it was a misinterpretation. They were praying for a church, an AIM Church to be built at Aitkenvale, for everybody to come and worship there.
- ❖ A letter will be sent out to s78B(2) & s78B(2) regarding their nominations, because they were nominated by s78B(2) to be members, but could not be accepted because s78B(2) is not a member herself.
- ❖ s78B(2) also informed the group that the Compliance Forms needed to stamped today.

Bwgcorman Land Trust

s78B(2) PRESENTATION

- s78B(2) declared her conflict s78B(2) - Personal information
- s78B(2) spoke about his main goal in this enterprise was not for financial gain but to help his people.
- s78B(2) acknowledged the fact that the women were carrying the flag for too long, and how it was time for the men to stand up and start taking the lead.
- He informed the group about Honeycombes Real Estate and how they will be investing upfront, i.e: (a) feasibility studies; (b) Bureaucratic Red Tape (Government); (c) Legal Costs
- s78B(2) then questioned about what would they have to gain if they put the dollars upfront.
- s78B(2) then informed her that they will be getting their money back, but over a period of time, which is how most investors do business.
- s78B(2) then suggested that we should have a meeting with Honeycombes, but later on down the track.
- s78B(2) then informed the group that there were a couple of letters of complaints from the neighbours, s78B(2)
- One was in regards to a water leakage and the other was in regards to a tree that was growing through a fence. Everyone in the group had a look at the letters of complaints.
- s78B(2) then informed the group that he had dealt with both complaints and explained to us, the tree was chopped down and uprooted, as it was in a Pensioner's Cottage yard. And as for the water leakage, s78B(2) checked the grounds and made sure that all the water taps were turned off properly.
- s78B(2) who had the letters sent to her, informed the group that she rang both the Townsville City Council (Water Leakage) and Northern Body Corporate (Tree growing the fence) and all had been remedied.
- It was then decided by the group that once the members has had a read through the actual Presentation Booklet, they will then make a decision, but they will have to agree in principle first. So s78B(2) moved the motion to this decision and s78B(2) seconded it.

*All in favour

*Motion Carried

Next Meeting will be held at Ferdy's Haven on the 1st October 2011, but it was later changed to Saturday, 8th October 2011, so as to give the fourteen days notice to all members.

s78B(2) then mentioned that there should be funding available from the Department of Natural Resources and Environment. Management ATSLAB

Meeting closed 1.37pm.

Record of Annual General Meeting

Group:	Bwgaman Aboriginal Land Trust	
Attendees: (attendance sheets attached)	s78B(2) - Personal information	
Apologies:		
DNRM attendees:	Wayne Lake, Senior Land Officer Julie Brogan, Manager	
Record Taker	Julie Brogan	
Facilitator:	Wayne Lake	
Date	13 September 2014	

Who	Agenda	Action
	Meeting opened 11.30am	
Wayne	<p><u>ITEM 1: Open Meeting and Welcome</u></p> <ul style="list-style-type: none"> Introduced himself and Julie Brogan as being from the Aboriginal and Torres Strait Islander Land Acts Branch (ATSILAB) of the Department of Natural Resources and Mines (DNRM) Acknowledged the Traditional Owners of the land, the Elders and future generations Advised that this was s78B(2) meeting as Chair of the land trust and she had asked Wayne to facilitate it on her behalf Advised that a quorum of seven people has been achieved using five actual members present and two of the three proxies held by s78B(2) and s78B(2) Further explained that only one proxy could be used by a member present to be counted toward a quorum Written notices of three proxies were sighted. The three proxies were: <ul style="list-style-type: none"> - s78B(2) proxy for s78B(2) - s78B(2) proxy for s78B(2) - s78B(2) proxy for s78B(2) 	
s78B(2)	<ul style="list-style-type: none"> Said a prayer to open the meeting 	
Wayne	<ul style="list-style-type: none"> Gained permission to change the order of the agenda to bring the nomination of new members forward being item 5b. All agreed Explained that amendments to the Aboriginal Land Act now provides for land trusts to add their own members at general meetings without the requirement for the Ministers approval, and that any new people added today may immediately become members 	
s78B(2)	<ul style="list-style-type: none"> Raised the issue that had she known about the nomination of new members that she would have asked others to be present 	
Wayne	<ul style="list-style-type: none"> Advised that the nomination of the new members was in the agenda and notice sent out to all members 	

Wayne	<p>ITEM 5b: Nomination of New Members</p> <ul style="list-style-type: none"> Called for any nominations for new land trust members The following persons were nominated and accepted: s78B(2) Nominated by s78B(2) and seconded by s78B(2) s78B(2) Nominated by s78B(2) and seconded by s78B(2) s78B(2) Nominated by s78B(2) and seconded by s78B(2)
Wayne	<p>ITEM 2: Confirmation of Previous Minutes</p> <ul style="list-style-type: none"> Spoke about the need to accept the previous meetings minutes of 4 September 2011 and offered to read them out The meeting group accepted the minutes
s78B(2)	<ul style="list-style-type: none"> Confirmed the minutes and signed to accept them
Wayne	<p>ITEM 3: Receipt of annual report and compliance documentation</p> <ul style="list-style-type: none"> Asked if there was an annual report to provide Advised no, but did have the compliance documentation to provide
s78B(2)	
Wayne	<ul style="list-style-type: none"> Rather than stopping meeting now to sign and receive documents, DNRM would receive them after the meeting
Julie	<ul style="list-style-type: none"> Asked whether the land trust had received more than \$20,000 in the last financial year Advised no
s78B(2)	
Wayne	<p>ITEM 5a: Other Business</p> <ul style="list-style-type: none"> Proposed amendments to land trust Constitution were explained and accepted by the meeting group: <p><u>Section 4.1</u> – amend the “Official Address” of the land trust. <i>The address is currently shown as the address for the actual land at 443 Ross River Road, Cranbrook, however this section is meant to be the address for land trust correspondence.</i> - This was deferred until after the election of committee members</p> <p><u>Section 7.1 – 7.10</u> – amend the existing “Membership” provisions to allow the land trust to add and remove their own members in accordance with the <i>Aboriginal Land Act 1991</i>. <i>Previously this could only be done with the approval of the Minister.</i> - Changes accepted</p> <p><u>Section 8.2</u> – amend the number of “Executive Committee” members to be “no less than 5 members and no more than 8”. <i>Currently the constitution states “no less than 7 members”, however there is actually only 5 members being the Chair, Deputy Chair, Secretary, Treasurer and Public Officer.</i> - Changes accepted - Also discussed the possibly of changing the quorum for a general meeting of the land trust and it was decided to leave at 7</p> <p><u>Section 15.1 – 15.2</u> – amend the existing “Audit” provisions to be “Financial Compliance” in accordance with the <i>Aboriginal Land Act</i></p>

Wayne

1991. Currently the constitution indicates an audit must be carried out yearly, however this need not be done unless the land trust is earning in excess of \$20,000 per financial year.

- Changes accepted

ITEM 4: Election of the Committee Positions

- Explained that a Returning Officer was necessary to oversee the voting process and suggested Julie undertake that role
- All agreed
- Asked if more than one person was nominated would they like to vote by show of hands or secret ballot
- All agreed to secret ballot
- The following persons were nominated and accepted by the meeting group for the Executive Committee of the land trust:
- **Chairperson**
 - [s78B(2)] – nominated by [s78B(2)] seconded by [s78B(2)]
 - [s78B(2)] – nominated by George Friday, seconded by [s78B(2)]
 - Secret ballot was held and [s78B(2)] was announced as the successful candidate
- **Deputy Chairperson**
 - [s78B(2)] – nominated by [s78B(2)] seconded by [s78B(2)]
- **Secretary**
 - [s78B(2)] – nominated by [s78B(2)] seconded by [s78B(2)]
- **Treasurer**
 - [s78B(2)] – nominated by [s78B(2)] seconded by [s78B(2)]
- **Deputy Chairperson**
 - [s78B(2)] – nominated by [s78B(2)] seconded by [s78B(2)]
- **Committee Members**
 - [s78B(2)] – nominated by [s78B(2)] seconded by [s78B(2)]
 - [s78B(2)] – nominated by [s78B(2)] seconded by [s78B(2)]
 - [s78B(2)] – nominated by [s78B(2)] seconded by [s78B(2)]

ITEM 5a continued:

Section 4.1 – amend the "Official Address" of the land trust. The address is currently shown as the address for the actual land at 443 Ross River Road, Cranbrook, however this section is meant to be the address for land trust correspondence.

- New address for land trust business was given by [s78B(2)] in her new role as Secretary with the address being: **PO Box 4193, Kirwan Q 4817**

[s78B(2)]

Julie

- Advised that she has received enquiries from other land trust members about:
 - The advertising signage on the land and where the money for the rental of the signs is going

	<ul style="list-style-type: none"> - Development of the land and if anything was proposed when might that commence 	
	Meeting break 12.15pm	
	Meeting reconvened 12.35pm	
Obadiah	<p><u>ITEM 5c: Update by Dreamtime Training</u></p> <ul style="list-style-type: none"> • Gaven Ferguson, Obadiah Geia and Nephi Reilly from Dreamtime Training joined the meeting to provide an update about the management of the land • Gave a history of his involvement with the land at Aitkenvale and the assistance that had been provided to him and Dreamtime Training from the Palm Island people • At a land trust meeting in 2009 a decision was voted on for Dreamtime Training to take over the management of the land • Due to a possible conflict of interest, when this decision was being voted on s78B(2) and s78B(2) left the room • Land trust and Dreamtime undertaking the project on their own steam without government assistance • Dreamtime developed proposed plans for the project • Proposal is currently with Council for material change of use approval (zoning) • Condition of the land, slashing the block when weather permits and tractor 	
Gaven	<ul style="list-style-type: none"> • Spoke about the opportunity for Aboriginal people in Townsville and Palm Island to be actively involved in the project through employment and training on the site • Likes to refer to the project as a training program that has an outcome of building and infrastructure • Acknowledged the Aboriginal history and connection to the land • The concept is a central meeting place • Big focus on parklands as well • Have consulted with Aboriginal people who have a connection to the land • The engineering, surveying and planning phases are complete (some plans were shown to the meeting group) • Architectural plans complete • Dreamtime has had communications with the Department of State Development and Federal Senator Nigel Scullion who are aware of the planned development and support it • Waiting for Council approval • Training already underway to build skills for project • Currently building a website for the land trust • Land trust agreed to plans for project at a meeting in early 2014 – date not provided 	
Julie	<ul style="list-style-type: none"> • Enquired about the terms and conditions of the contract 	
Gaven	<ul style="list-style-type: none"> • Advised the contract was for 35 years with two further 35 	

<p>s78B(2)</p> <p>Julie</p> <p>Gaven</p> <p>s78B(2)</p> <p>Wayne</p> <p>s78B(2)</p>	<p>year options</p> <ul style="list-style-type: none"> Requested a copy of the contract Requested a copy of the contract for DNRMs records Enquired about the signage and where the funds for the advertising was going Advised of the reporting requirements for a land trust that earns in excess of \$20,000 in any financial year No payment for advertising had been received yet Money will go towards consultation with Aboriginal people such as holding meetings and administrative costs <p><u>ITEM 5d: Any other Business</u></p> <ul style="list-style-type: none"> No other business Closed the meeting with a prayer 	
Meeting closed 1.30pm		

RTI DL RELEASE - DNRM

THE RULES OF THE

BWGAMAN ABORIGINAL LAND TRUST**1. NAME**

1.1 The name of the Corporate Trustee is BWGAMAN ABORIGINAL LAND TRUST

2. INTERPRETATION

2.1 In these rules -

"Aboriginal tradition" means the body of traditions, observances, customs and beliefs of Aboriginal people generally or of a particular group of Aboriginal people, and includes any such traditions, observances, customs and beliefs relating to particular persons, areas, objects, relationships;

"Aborigine" means a person of the Aboriginal race of Australia;

"adult Aborigine" means an Aborigine who has obtained the age of 18 years;

"Act" means the *Aboriginal Land Act 1991*;

"Land Trust" means the Bwgaman Aboriginal Land Trust;

"Chairperson" means the Chairperson elected by the Members in accordance with Part 8 of these rules;

"Committee" means Executive Committee;

"Members" means the persons who are appointed grantees pursuant to the Act;

"The Minister" means the Minister of the Government who administers the Act;

"Registrar" means the Land Claims Registrar under the Act;

"Regulation" means the *Aboriginal Land Regulation 1991*;

2.2 Expressions used in these rules have the same meanings as the meanings given to them by the Act and Regulation.

2.3 In these rules, unless the contrary intention appears -

- a) words indicating a gender include the other gender;
- b) words in the singular include the plural and words in the plural include the singular;
- c) a reference to a clause is a reference to a clause in these rules; and
- d) a reference to any statute or regulation includes all statutes or regulations amending, consolidating or replacing them, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute.

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3. TYPE OF ASSOCIATION

3.1 The Land Trust is a corporate body incorporated under the Regulation.

4. OFFICIAL ADDRESS

4.1 The official address of the Land Trust is PO Box 4193, Kirwan QLD 4817, or the official address as is notified in the Government Gazette from time to time.

4.2 If the Committee determines to change the official address, the Committee must, within two weeks of making the decision, notify the Registrar of the new official address.

5. OBJECTS

5.1 The Bwgaman Aboriginal Land Trust will act as custodian for the land on behalf of the Aboriginal people for whom it is held.

6. POWERS

6.1 Subject to the provisions of the Act and the Regulation, the Land Trust has power to do all lawful things that the Members consider necessary to carry out the Land Trust's objects, including power:

- a) to grant interests in the land; and
- b) to borrow, receive and spend money; and
- c) to sue or be sued in its corporate name; and
- d) to employ such staff and engage such consultants as are necessary for its purposes.

7. MEMBERSHIP

7.1 The Membership of the land trust comprises:

- a) all current members;
- b) any person appointed by the land trust subject to the Act and these rules; and
- c) any person appointed by the Minister subject to the Act.

7.2 The process for the appointment of a new member/s by the land trust is as follows:

- a) the nomination of a new member/s must be passed by a special resolution at a general meeting of the land trust;
- b) the proposed new member/s must accept their nomination;

- c) the decision of the land trust must be recorded in the official minutes of the meeting at which the decision was made;
- d) the minutes recording the decision and the names of the new members must be sent to the Chief Executive within 28 days for recording in the register; and
- e) upon acceptance of a new member/s by the land trust, membership takes effect immediately.

7.3 The land trust cannot appoint a person to be a member of the land trust if the person has been removed as a member by the Minister in accordance with the Act.

7.4 Each member of the land trust:

- a) is entitled to attend, speak and vote at general meetings of the land trust; and
- b) is eligible for election to the executive committee.

7.5 A member ceases to be a member of the land trust:

- a) if the member dies; or
- b) if the member resigns from the land trust by a signed notice of resignation given to the land trust; or
- c) if the member is removed or suspended by the Minister in accordance with the Act; or
- d) if the member is removed by the land trust in accordance with the Act and these rules; or
- e) if the member is suspended by the land trust in accordance with the Act and these rules for the period of the suspension.

If a member ceases to be a member for any of the reasons above, the Secretary must remove the person's name from the register of members.

7.6 The land trust may remove or suspend a member by way of a special resolution passed at a general meeting on any of the following grounds:

- a) the member has been convicted of any offence concerning the property or affairs of the land trust; or
- b) the member has stolen, misappropriated or improperly applied trust property; or
- c) the member is acting or has acted towards the land trust or another member in a fraudulent or improper way; or
- d) by reason of infirmity; or

- e) any other reason, the land trust is of the opinion that the person has ceased to be an effective member of the land trust.

7.7 The process to remove or suspend a member is as follows:

- a) the proposed removal or suspension must be passed by a special resolution at a general meeting of the land trust;
- b) that meeting is then adjourned for a period of 28 days;
- c) written notice of the proposed resolution is to be given to the member proposed to be removed or suspended not less than 21 days before the date of the adjourned meeting at which the resolution is to be decided;
- d) the member is to be given a full and fair opportunity to show cause why he or she should not be removed or suspended from membership; and
- e) if a resolution is passed to **remove** a member:
 - i. the decision must be recorded in the official minutes of the meeting; and
 - ii. the member must be notified of the decision; or
- f) if a resolution is passed to **suspend** a member:
 - i. the decision must be recorded in the official minutes of the meeting; and
 - ii. the person must be notified of the period of suspension; and
 - iii. the person must be notified of the date the suspension ends; and
 - iv. upon the period of suspension ending, the member is automatically re-instated as a member of the land trust.

7.8 The land trust cannot end the suspension of a person from membership of the land trust if the person was suspended by the Minister in accordance with the Act.

7.9 After the appointment, removal, suspension or resignation of a member, the land trust must advise the Chief Executive in writing within 28 days. The Secretary must prepare and maintain a register of the names and addresses of the members of the land trust at all times.

8. EXECUTIVE COMMITTEE

8.1 There is to be an Executive Committee primarily responsible for the management of the Land Trust. The Executive Committee's functions are to carry out the objects listed in Clause 5.

8.2 The Executive Committee has no less than 5 members and no more than 8.

8.3 The members of the Committee:

- a) are to be elected at the first general meeting of the Land Trust; and
- b) are to be elected every three years at the annual general meeting after the first general meeting;

- c) are eligible for re-election.
- d) An interim Executive Committee may be appointed before the first annual general meeting.

8.4 A person may be nominated for an elected position:

- a) by a member present at the meeting at which the election is held; or
- b) by written notice received by the Chairperson at or before the time when nominations are called for at the meeting.

In order that a nomination be valid the person nominated must be a member of the Land Trust and give his or her consent to the nomination before the election is held.

8.5 An election is to be conducted by a returning officer who is a person who is not a member but is present at the invitation of the Committee, and who is appointed by the members present to be the returning officer. The returning officer must not vote in an election.

8.6 A ballot is to be held for each elected position. Each ballot is to be a secret ballot conducted in such a manner as the meeting thinks fit.

8.7 Except as otherwise provided in these rules, the members of the Committee hold office until the first meeting of the Committee after the annual general meeting at which their successors are elected.

8.8 A member of the committee ceases to hold office if:

- a) the person ceases to be a member of the Land Trust; or
- b) the member resigns the office by written notice signed by the member and given to the Chairperson; or
- c) a resolution is passed by a majority of not less than three fourths of the members present and voting at a general meeting to remove the person from office on the ground that:
 - i. the person has been convicted of any offence concerning the property or affairs of the Land Trust; or
 - ii. by reason of infirmity, absence or any other reason, the Land Trust is of the opinion that the person has ceased to be an effective member of the Committee.

8.9 If a resolution to remove a person from office is proposed:

- a) written notice of the proposed resolution is to be forwarded to the member of the Committee not less than twenty-one (21) days before the date of the general meeting at which the resolution is to be moved; and
- b) the member is to be given an opportunity to reply to the proposed resolution at the meeting (whether the person is present at the meeting or not) and the reply may be either orally or in writing.

8.10 If at any time the number of members of the Committee is less than seven (7), the Committee may appoint an additional member or members to fill the casual vacancies. The members appointed to fill casual vacancies:

- a) are eligible for re-election; and
 - b) hold office until the first meeting of the Committee after the annual general meeting at which their successors are elected.
- 8.11 The executive officers of the Land Trust are the Chairperson, Deputy Chairperson Secretary, Treasurer, and Public Officer.
- 8.12 The members of the Land Trust must elect from the members of the Committee the Executive Officers, at the first General Meeting of the trust following the conclusion of each three year term.
- 8.13 A term of office of an executive officer expires on:
- a) the person's re-election for another term; or
 - b) the election of the executive's successor.
- 8.14 Any casual vacancy in an office is to be filled by the Committee.
- 8.15 A member of the Committee elected to fill a casual vacancy:
- a) holds the office of executive officer until the next election of officer; and
 - b) is eligible for re-election.
- 8.16 The Committee must meet to attend to its business as often as it considers necessary, but at least once each three months.
- 8.17 Fourteen (14) days written notice of each meeting of the Committee are to be given to each member of the Committee.
- 8.18 Not less than half of the Committee members are to be a quorum.
- 8.19 The Secretary must keep proper minutes of the proceedings of all meetings of the Committee in an official Minutes book.
- 8.20 The Committee:
- a) must manage and control the affairs of the Land Trust in accordance with these rules and with the Act and the Regulation; and
 - b) for that purpose, it may exercise the powers of the Land Trust as if those powers had been expressly conferred on the Committee by a general meeting of the Land Trust.
- 8.21 If any dispute between the Land Trust and any of its members arises:
- a) the Committee should attempt to settle the dispute; and
 - b) if the dispute cannot be amicably settled by the Committee, the matter is to be referred to a general meeting of the Land Trust for decision.
- 8.22 If:
- a) member of the Committee; or
 - b) an executive officer,

is or is to be absent and the Committee considers it necessary that a person should act in that position, the Committee may appoint a person to act in that position for the period during which the member or the executive officer is absent.

9. GENERAL MEETINGS AND ANNUAL GENERAL MEETINGS

- 9.1 The first general meeting of the Land Trust is to be held as soon as practicable, and, in any case, within three months, after incorporation.
- 9.2 The first annual general meeting of the Land Trust is to be held within fifteen (15) months after incorporation.
- 9.3 Each subsequent annual general meeting is to be held within three (3) months after each 30th June.
- 9.4 The order of business at the annual general meeting is to be:
- a) confirmation of minutes of the previous annual general meeting and of any special general meeting held since the previous annual general meeting;
 - b) receipt and consideration of an annual report and audited financial report (including the income and expenditure statement and balance sheet) from the previous financial year;
 - c) the election of members of the Executive Committee every three (3) years;
 - d) the appointment of an auditor or auditors; and
 - e) any other business that the meeting determines.
- 9.5 The Committee may call general meetings in addition to the first general meeting and the annual general meeting where the members need to consider:
- a) an application to grant an interest in the land;
 - b) a major development or proposal involving the land; or
 - c) any other matter relating to the land trust.
- 9.6 All general meetings other than the first general meeting and the annual general meeting are called special general meetings.
- 9.7 If the Secretary receives a written request for a special general meeting signed by members whose number amounts to a quorum, the Secretary must call a special general meeting to be held as soon as practicable but not later than one month after the Secretary receives the request.
- 9.8 Subject to these rules:
- a) the Committee determines the place, date and hour of every general meeting; and
 - b) the Secretary must give written notice of every general meeting to the members at least fourteen (14) days before the date of the meeting.
- 9.9 Proper minutes of the proceedings of all general meetings are to be kept by:
- a) the Secretary; or

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- b) in the absence of the Secretary such person as the meeting appoints and the person keeping the minutes must record all motions and amendments to motions, the names of the proposer and seconder of each motion and whether each motion was passed or defeated.

9.10 The Secretary must keep the minutes of the proceedings of all meetings in an official minutes book and must provide copies to the members on request.

9.11 The Chairperson must sign the minutes when they have been accepted at the next meeting.

9.12 A quorum for a general meeting is not less than seven (7) members of the Land Trust.

9.13 No business is to be transacted at any general meeting unless a quorum is present.

9.14 For the purpose of this Constitution, the simultaneous linking together by telephone or video conference, or other electronic means of a number of the Members, being not less than a quorum, shall be deemed to constitute a meeting of the Land Trust and all provisions hereof regarding meetings of the Land Trust shall apply to such meetings by telephone providing the following conditions are met:

- a) All of the Members for the time being entitled to receive notice of a meeting of the Land Trust shall be entitled to notice of a meeting by telephone or other means for the purposes of such meeting;
- b) Each of the members taking part in the meeting by telephone or other means must be able to hear or communicate with each of the other Members taking part in the meeting; and
- c) At the commencement of the meeting, each member must acknowledge his or her presence for the purpose of the meeting of the Land Trust to all other Members.

10. VOTING AT ALL MEETINGS

10.1 Except as provided elsewhere in these rules, questions arising at:

- a) any general meeting of the Land Trust; or
- b) any meeting of the Committee,

are to be decided by a majority of votes and each member present has one vote.

10.2 Voting is to be by show of hands except that:

- a) any election at an annual general meeting or other meeting is to be by secret ballot; and
- b) a meeting may decide that any other vote is to be by secret ballot.

In the case of equality of votes, the Chairperson of the meeting has a second or casting vote.

10.3 The Chairperson is the Chairperson of all meetings at which the Chairperson is present. If the Chairperson is not present or does not wish to take the chair, the members present must elect a Chairperson of the meeting.

11. COMMON SEAL

- 11.1 The Land Trust is to have a Common Seal of which the Land Trust's name is inscribed legible characters.
- 11.2 The Common Seal is to be kept in the custody of the Secretary.
- 11.3 The Common Seal is not to be used or placed on any document unless authorised by the Committee or a general meeting of the Land Trust.
- 11.4 If the Common Seal is placed on any document, three (3) members of the Committee must sign the document.
- 11.5 A document which can be executed without a Seal is to be signed by an executive office bearer if there is a direction by the Committee to do so and the direction is properly minuted.

12. BANKING

- 12.1 Official receipts are to be issued for all monies received by the Land Trust.
- 12.2 All funds of the Land Trust are to be deposited in the first instance to the credit of the Land Trust in an account at such a bank as the Committee determines.
- 12.3 The Chairperson, Secretary, Treasurer and one other member of the Land Trust are to be authorised by the Land Trust to be signatories of the Land Trust's accounts.
- 12.4 If the Land Trust decides to remove a person from acting as a signatory of the Land Trust's accounts by a majority vote at a Land Trust meeting, then the person must sign the appropriate bank authority terminating that person's role as a signatory at the earliest possible opportunity.
- 12.5 A payment in excess of fifty dollars (\$50.00) made by the Land Trust is to be paid by cheque.
- 12.6 All cheques and withdrawal forms are to be signed jointly by two (2) authorised signatories who are not closely related to each other.

13. APPLICATIONS OF FUNDS AND PROPERTY

- 13.1 All funds or property of the Land Trust that are not subject to any special trust are to be available at the discretion of the Committee for the purpose of carrying out the objects of the Land Trust, provided that no part of the funds or property is to be paid or applied directly or indirectly by way of dividend or bonus or by any other way of profit to any other member.
- 13.2 Clause 13.1 does not prevent the payment in good faith of reasonable and proper remuneration to any member of the Land Trust, officer, servant, agent or employee of the Land Trust for or in return for services actually rendered to the Land Trust.
- 13.3 Members who are required to attend meetings are entitled to be compensated for loss of any income incurred as a result, subject to the availability of funding.

14. ACCOUNTS

- 14.1 Proper accounts and records of all receipts, payments and other financial transactions and affairs of the Land Trust are to be kept by:

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- a) the Treasurer; or
 - b) any other person appointed by the Committee.
- 14.2 The Committee must do all things necessary to ensure that;
- a) all payments out of the monies of the Land Trust are properly made and correctly authorised; and
 - b) adequate control is maintained over;
 - i. the assets of, or in the custody of, the Land Trust; and
 - ii. over the incurring of liabilities by the Land Trust.
- 14.3 Payment of accounts is to be approved by the Committee in a manner that does not adversely affect the efficient operation of the Land Trust.
- 14.4 The Committee must, as soon as practicable after each 30th June, cause to be prepared:
- a) an income and expenditure statement of the Land Trust for the financial year ending on that 30th June; and
 - b) a balance sheet setting out the assets and liabilities of the Land Trust as at that 30th June.

15. **FINANCIAL COMPLIANCE**

- 15.1 If the land trust's total income from all sources for the financial year is more than \$20,000 the executive committee must:
- a) by 30 September each year, prepare and adopt an annual financial statement (consisting of a Balance Sheet and Profit & Loss Statement);
 - b) send a copy of the annual financial statement to the Chief Executive by 31 December in the year it is adopted;
 - c) have the land trust accounts audited by a person who is:
 - i. a member of the Australian Society of Certified Practising Accountants; or
 - ii. a member of the Institute of Chartered Accountants in Australia; or
 - iii. a member of the Institute of Public Accountants; or
 - iv. a person approved in writing by the Chief Executive as having the necessary skills and experience for conducting the audit.
 - d) ensure the audit is received by the land trust by 30 November in the financial year after the financial year for which the accounts are audited; and
 - e) send a copy of the audited accounts to the Chief Executive by 31 December in the financial year after the financial year for which the accounts are audited.

16. AMENDMENT OF THE OBJECTS AND RULES

- 16.1 The Land Trust may, by a resolution passed by the majority of not less than three-fourths of the members of the Land Trust present and voting at a general meeting, decide to amend the objects or rules of the Land Trust.
- 16.2 The validity of any such amendments is subject to the approval by the Registrar.

17. DUTIES OF EXECUTIVE OFFICE BEARERS

Chairperson

- 17.1 The primary duty of the Chairperson is to ensure the successful functioning of the Land Trust and achievement of its objectives.
- 17.2 The Chairperson must:
- a) uphold the rules of the Land Trust;
 - b) preside at meetings of the Land Trust; and
 - c) subject to the instructions of a Land Trust meeting, represent and act on behalf of the Land Trust in the interval between meetings.
- 17.3 In particular, the Chairperson must:
- a) before each Land Trust meeting:
 - i. consult with the Secretary in the preparation of an agenda;
 - ii. ensure that the notice of the meeting conforms with these Rules;
 - iii. check the accuracy of any minutes of previous meetings being presented to the meeting for acceptance; and
 - iv. read over any correspondence or other material to be brought forward at the meeting.
 - b) open the meeting when a quorum is present, ask for any apologies to be tabled, then welcome new members and guests;
 - c) sign minutes of previous meetings as correct when they have been accepted by the meeting;
 - d) in the case of elections, ensure the appointment of a returning officer by the meeting.
 - e) preserve order and warn any member who is causing a disturbance at a meeting that the member may be removed;
 - f) order the removal from the meeting of any member who, having been already warned, continues to cause a disturbance and may request assistance from the police to remove the member if it is considered necessary by the majority of members at the meeting.
 - g) ensure that debates are conducted in the correct manner and, in particular, that there is one speaker at a time;
 - h) rule "out of order" any motion which involves the Land Trust acting outside its functions or powers under the Act or any other statute or rule of law;

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- i) close or adjourn the meeting when:
 - i. a motion to that effect is carried;
 - ii. all business has been finished;
 - iii. the meeting is excessively disorderly and the Chairperson is unable to restore order; or
 - iv. a quorum of members is no longer present.

Deputy Chairperson

17.4 The Deputy Chairperson must:

- a) act as the Chairperson when there is a vacancy in the office of the Chairperson;
- b) act as the Chairperson for any period when the Chairperson is absent from duty or from the State;
- c) act as the Chairperson if the Chairperson is unable to fulfil the duties of the office of the Chairperson.

Secretary

17.5 The Secretary must:

- a) maintain a register showing the names and addresses of members;
- b) maintain an accurate record of all meetings of the Land Trust in an official Minute Book of the Land Trust;
- c) call meetings and give the proper notice for meetings in accordance with these Rules;
- d) maintain an attendance book showing the names of all the members who attend each meeting together with the signature of each member who is present;
- e) prepare an agenda, in consultation with the Chairperson, prior to each meeting;
- f) maintain any correspondence to and from the Land Trust and inform the Land Trust of such correspondence;
- g) keep the Land Trust's Common Seal in safe custody;
- h) represent and act, subject to the instructions of a Land Trust meeting, on behalf of the Land Trust in the interval between meetings.

Treasurer

17.6 The Treasurer must:

- a) maintain proper accounts and records of all transactions in relation to the operations of the Land Trust;
- b) ensure that all monies received are deposited as soon as possible in the Land Trust's bank account;
- c) ensure that the accounts and records of financial transactions of the Land Trust are inspected and audited by an auditor appointed by the Land Trust;

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- d) ensure that a statement of accounts, together with an auditor's certificate in relation to the statement, is submitted to each annual meeting;
- e) submit a brief financial statement at each Land Trust meeting, known as the Treasurer's Report;
- f) represent and act, subject to the instructions of a Land Trust meeting, on behalf of the Land Trust in the interval between meetings;
- g) submit to the Land Trust details of any expenditure which in the Treasurer's opinion contravenes the Act or the wishes of the majority of the Land Trust members, or both.

Public Officer

17.7 The Public Officer must:

- a) act as a support person to all other executive members.

END

RTI DL RELEASE - DNRM