

Instrument of Delegation

Coastwatchers Environment Fund Management Committee

effective August 20th 2021

(Approved by Association committee on 18/08/21; by Fund committee on 20/08/21.)

Background

The Coastwatchers Environment Fund (The Fund) is a Public Fund with Deductible Gift Recipient Status (DGR) registered on the Commonwealth Government's Register of Environmental Organisations on January 20th 2003.

The Register of Environmental Organisations (REO) is a Commonwealth tax deductibility scheme for environmental organisations enabled under Income Tax Assessment Act 1997. It allows eligible organisations to be endorsed as Deductible Gift Recipients by the Australian Taxation Office. The Department of Agriculture, Water and the Environment maintains the Register.

A public fund must be controlled by a committee made up of a majority of "responsible persons" and must be set up so that it is not possible for public control to lapse. Responsible persons are people 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.

Members of the public fund management committee must be the only signatories to the public fund bank account.

Purpose

The Coastwatchers Environment Fund Management Committee will manage the Coastwatchers Environment Fund - a Public Fund established for the specific purpose of supporting the environmental objects/purposes of The Coastwatchers Association Inc.

The primary role of the Fund Committee is to act as a final probity check on fundraising and spending proposals.

Environmental Objects of the Coastwatchers Constitution

1. To take action to protect the natural environment and preserve the integrity of ecological systems in the Eurobodalla area of New South Wales.

2. To oppose the unnecessary destruction and degradation of natural systems, unbalanced development, and pollution.
3. To investigate threats to the survival of any species or plant and animal communities with a view to the maintenance and enhancement of environmental quality, and where necessary or desirable, oppose such threats.
4. To develop and where necessary or desirable utilise an understanding of the political and social processes which directly or indirectly affect the natural environment.
5. To promote those ideas and actions which will enhance humankind's understanding, enjoyment and protection of the natural environment.
6. To collect, store, and make available information in areas that pertain to these objectives.
7. To co-operate with and provide support for other groups pursuing similar objectives in the Eurobodalla and adjacent areas, and promote the exchange of resources and information between groups.
8. To undertake such other conservation activities as the membership shall from time to time resolve.

Rules from the Coastwatchers Constitution (Clause 55)

1. The objective of the Coastwatchers Environment Fund is to support the environmental objects/purposes of The Coastwatchers Association Inc.
2. Members of the public are to be invited to make gifts of money or property to the fund for the environmental purposes of the association.
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 fund.
4. A separate bank account is to be opened to deposit money donated to the fund, including interest accruing thereon, and gifts to it are to be kept separate from other funds of the association.
5. Receipts are to be issued in the name of the fund and proper accounting records and procedures are to be kept and used for the fund.
6. The fund will be operated on a not-for-profit basis.
7. A committee of management of no fewer than three persons will administer the fund. The committee will be appointed by the association. A majority of the members of the committee are required to be "responsible persons" as defined by the Guidelines to the Register of Environmental Organisations.

Role within Coastwatchers

It is not a required role of the Fund Committee to be an impetus for fundraising or spending initiatives. The impetus for such initiatives can come from Coastwatchers subcommittees, from the Association committee, from outside Coastwatchers, or from the Fund Committee if it so wishes.

Specific proposals, for expenditure or for targeted fundraising campaigns, need to be submitted to the Fund Committee that clearly state purpose, amount, benefit and connection to desired outcome before the Fund committee can make its decisions.

Duties

Of fundraising and/or spending proposals, The Fund Committee must satisfy itself of the following:

1. does this fit Coastwatchers' objects in the constitution?
2. does this fit the REO guidelines?
3. (of fundraising proposals) does this fit within the NSW government charitable fundraising guidelines?
4. does this satisfy Clause 52 (Conduit Policy) of the Coastwatchers Constitution?
5. is there a possible conflict of interest issue that needs to be addressed?
6. does the proposal represent a reasonable and responsible use of available funds?

If there are concerns over the above then the Fund Committee reject a proposal, or request that it be modified and resubmitted. It may collaborate with the proponent to achieve this.

Also, the Fund Committee must:

1. keep minutes of Fund Committee decisions and meetings
2. forward minutes of Fund Committee decisions and meetings to the Coastwatchers Secretary, Treasurer and President in a timely manner, in time for the following Association Committee meeting
3. present, at least 4 weeks before the Coastwatchers AGM, an Annual Environment Fund Report following the end of each financial year, outlining Committee and Fund activity for the year just finished and ideas and intentions for the year ahead

Legal Constraints

The funds can only be spent on the environmental purposes defined by the Tax Assessment Act 1997, ie

- the protection and enhancement of the natural environment or of a significant aspect of the natural environment; or
- the provision of information or education, or the carrying on of research, about the natural environment or a significant part of the natural environment

Funds cannot be used for any other purpose such as political activity. (See legal references for clarification).

The Fund and Coastwatchers must not engage in, encourage or fund any illegal activities.

Legal reference material is available at committee.coastwatchers.org.au (passworded website).