



Tasmanian Nature Conservation Fund [DRAFT] V5.0 Operating Procedures [Date] 2024

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1. INTRODUCTION

1.1 Tasmanian Nature Conservation Fund (TNCF)

- 1.1.1 The Tasmanian Nature Conservation Fund (*TNCF*) is a gift fund maintained by Wildcare Tasmania Incorporated (*Wildcare*) so that:
- (a) tax deductions are available under the *Income Tax Assessment Act 1997* (of the Commonwealth) to the makers of gifts to Wildcare that are received by the TNCF;¹ and
 - (b) Wildcare maintains its endorsement as a deductible gift recipient under that Act.
- 1.1.2 To achieve this, Wildcare must comply with section 30-130 of the *Income Tax Assessment Act 1997* in relation to the TNCF. So far as relevant to Wildcare and the TNCF, that section is as follows:
- “(1) [Wildcare] must maintain for the principal purpose of [Wildcare] a fund (the *gift fund*) [i.e. the TNCF]:
- (a) to which gifts of money or property for that purpose are to be made; and
 - (b) to which contributions described in item 7 or 8 of the table in section 30-15 in relation to a fund-raising event held for that purpose are to be made; and
 - (c) to which any money received by the entity because of such gifts or contributions is to be credited; and
 - (d) that does not receive any other money or property.
- “(2) [Wildcare] must use the gift fund only for the principal purpose of [Wildcare].”
- 1.1.3 Wildcare’s principal purpose, as set out in subrule 3(1) of Wildcare’s constitution, is “to support communities and volunteers to contribute to conservation actions that ensure long-term protection of Tasmania’s natural environment”.
- 1.1.4 The Wildcare Board has overall control of, and responsibility for, the TNCF as part of Wildcare’s resources.
- 1.1.5 However, as set out in these Operating Procedures and the *Tasmanian Nature Conservation Fund Grant Guidelines*, the Board delegates aspects of this role to the Grants Committee and the Wildcare office team.
- 1.1.6 The Wildcare Board makes decisions on calling for applications for grants from the TNCF. These decisions include limits and priorities for funding of grants (with separate limits for the Grants Committee and the Wildcare office team).

¹ Tax deductions may also be available for contributions to Wildcare associated with fund-raising events if both the contributions and the events meet conditions set out in the tax law, especially item 7 or 8 of the table in section 30 15 of the *Income Tax Assessment Act 1997*.

- 1.1.7 The Wildcare Board determines the amount of money from the TNCF required to cover the costs of operating the TNCF.

1.2 These Operating Procedures

- 1.2.1 These Operating Procedures reflect a decision of the Wildcare Board and affect the TNCF, the work of the Wildcare office team in dealing with the TNCF and the Grants Committee.
- 1.2.2 The Board also makes other decisions affecting these matters, including decisions reflected in the *Tasmanian Nature Conservation Fund Grants Guidelines* (which affect these Operating Procedures).

1.3 Grants Committee

- 1.3.1 The Grants Committee is established by the Wildcare Board under subrule 14(1) of Wildcare’s constitution, which is as follows:
- “(1) The Board may establish committees and specify their functions, powers and method of operation, including reporting to the Board at specified intervals.”
- 1.3.2 These Operating Procedures specify the functions, powers and method of operation of the Grants Committee (as well as dealing with other matters relating to the TNCF).

2. WILDCARE GRANTS COMMITTEE

2.1 Functions

- 2.1.1 The main function of the Grants Committee is to assess, and either accept or reject, applications for grants in accordance with the *Tasmanian Nature Conservation Fund Grants Guidelines*.
- 2.1.2 The Grants Committee also has the function of accepting or rejecting any application for variation of a grant that affects the overall amount of the grant or the overall purpose of the grant.
- 2.1.3 The Grants Committee is also to inform the Wildcare office team and Board about matters relating to the committee’s functions described in paragraphs 2.1.1 and 2.1.2 (e.g. decisions the committee makes on applications for grants or variation of grants).

2.2 Membership of Grants Committee

- 2.2.1 The Wildcare Board appoints Grants Committee members. Usually this is done through a formal nomination and selection process. The Board may call publicly for nominations for membership of the Grants Committee.
- 2.2.2 The Board has identified a set of desirable skills and expertise for Grants Committee members collectively:
- (a) nature conservation;
 - (b) reserve management;

- (c) legal.
- 2.2.3 Individually, Grants Committee members also need to demonstrate teamwork so that the committee can perform its functions.
- 2.2.4 Membership of the Committee is wholly voluntary. No sitting fees are paid to members.
- 2.2.5 The term of appointment is specified by the Board, and may be up to three years. The Board may reappoint a member for one or more extra terms.
- 2.2.6 The Board may terminate the appointment of a Grants Committee member if it believes that the member:
 - (a) has engaged in conduct that is prejudicial to the standing, purpose or objectives of Wildcare; or
 - (b) has failed to abide by any policy, or code of conduct, approved by the Board for persons working with Wildcare (including these Operating Procedures); or
 - (c) has not dealt properly with a conflict of interest (see paragraph 2.4.2).

2.3 Chair of Grants Committee

- 2.3.1 The Chair of the Grants Committee is selected annually by the members of the Grants Committee.
- 2.3.2 The role of the Chair of the Grants Committee is to:
 - (a) chair meetings of the Grants Committee; and
 - (b) be a primary contact for liaison between the Grants Committee and the Board and between the Grants Committee and the Wildcare office team; and
 - (c) represent Wildcare at public events at the request of the Board.
- 2.3.3 The Chair may delegate the representative role to another Grants Committee member.

2.4 Grants Committee members' duties

- 2.4.1 Grants Committee members must act with the care and diligence that a reasonable person would exercise if they were a Grants Committee member. In particular, Grants Committee members are to:
 - (a) attend each meeting of the Grants Committee, either in person or electronically, subject to specific arrangement prior to the meeting; and
 - (b) read the papers for the meeting beforehand; and
 - (c) be actively involved in the decision-making process at the meeting.
- 2.4.2 Grants Committee members are expected to avoid conflicts of interest. Grants Committee members must deal with conflicts of interest in accordance with

the Code of Conduct, “Working with Wildcare” document and rule 29 of the Wildcare constitution. Committee members must declare any ongoing conflicts in the Wildcare Register of Interests.

- 2.4.3 Grants Committee members must not improperly use their position, or information gained as a result of their position. Improper use of position or information covers use for a personal advantage or for the advantage of someone else, or which causes detriment to Wildcare.
- 2.4.4 Grants Committee members must keep confidential the information they receive as Grants Committee members. They may disclose this information for purposes other than the functions of the Grants Committee only after consulting the CEO and Wildcare Board.
- 2.4.5 Grants Committee members must act in good faith in the best interests of Wildcare, to further its purpose.
- 2.4.6 Members cannot delegate their tasks and responsibilities except as permitted by the Wildcare Board.

2.5 Meetings and decision-making

- 2.5.1 The quorum for meetings is a majority of the Grants Committee.
- 2.5.2 Decisions of the Grants Committee will generally be made by consensus. However, should a vote be required, a motion is carried when a majority of the members taking part in the meeting vote for the motion. The requirement for a vote and voting procedures will be determined by the Chair of the Grants Committee.
- 2.5.3 The Grants Committee will meet as required to perform its main function and in any case at least twice each calendar year.
- 2.5.4 The Grants Committee must make decisions about assessing, and accepting or rejecting, an application for a grant, without influence from donors or potential recipients other than information provided in the application.
- 2.5.5 The Grants Committee may formulate processes and criteria for assessing and accepting or rejecting applications for grants.
- 2.5.6 The Grants Committee may impose conditions and acquittal requirements on grants it decides should be made.
- 2.5.7 The Grants Committee must inform the Wildcare office team and Board of decisions the Grants Committee makes.

3. WILDCARE OFFICE TEAM

- 3.1 The Wildcare office team has the following functions relating to the TNCF:
 - (a) promoting the TNCF, especially to potential donors;

- (b) arranging for banking transactions relating to the TNCF, including deposits of gifts to the TNCF and withdrawals and payments for grants and expenses of administering the TNCF;
- (c) maintaining accounts of the TNCF;
- (d) informing potential applicants of calls for applications for grants from the TNCF, in accordance with decisions of the Wildcare Board, including limits and any priorities for funding;
- (e) receiving applications for grants from the TNCF, checking their completeness, liaising with applicants about gaps in applications and forwarding applications to the Grants Committee for it to assess and accept or reject;
- (f) helping the Grants Committee perform its functions of assessing, and accepting or rejecting, applications for grants from the TNCF and applications for variation of grants;
- (g) informing applicants for grants from the TNCF of the outcome of their applications (including conditions and acquittal requirements on grants, if relevant);
- (h) dealing with acquittals of grants from the TNCF;
- (i) accepting or rejecting any application for variation of a grant that does not affect the overall amount of the grant or the overall purpose of the grant;
- (j) keeping the Board informed of matters relating to the operation of the TNCF;
- (k) keeping records relating to the operation of the TNCF, including records of applications made for grants, decisions made on those applications and acquittal of grants.²

4. DONORS TO TNCF

- 4.1 Donors may express a preference as to how their gifts to the TNCF are applied but should note that, in accordance with Wildcare’s constitution, the allocation of funds or property will not be influenced by donors’ preferences.³
- 4.2 Donors receive no benefit from Wildcare or anyone else for their gifts to the TNCF, other than tax deductibility.

² The tax law imposes record-keeping requirements on Wildcare as a deductible gift recipient: see section 382-15 in Schedule 1 to the *Taxation Administration Act 1953*. That section requires a deductible gift recipient to keep for 5 years records that “record and explain all transactions and other acts the deductible gift recipient engages in that are relevant to the deductible gift recipient’s status as a deductible gift recipient” and “show that the deductible gift recipient uses [gifts, and money received because of gifts] ... only for [its] principal purpose”.

³ This reflects the requirement in subsection 30-55(1) of the *Income Tax Assessment Act 1997* that Wildcare have a policy of not acting as a mere conduit for the donation of money or property to other organisations, bodies or persons.

DOCUMENT VERSION HISTORY

Version 5.0 Approved: [Date] 2024 at WILDCARE Board meeting Version [TBA]

Issue Date: Recommended to WILDCARE Board for approval at meeting [Date] 2024

Description of Changes: Changes throughout to reflect changes to income tax law and other documents affecting the Tasmanian Nature Conservation Fund.

Version 4.0 Approved: 14 November 2020 at WILDCARE Board meeting Version 3.a

Issue Date: Recommended to WILDCARE Board for approval at meeting 14 November 2020

Description of Changes: Amendments throughout to update naming, to reduce duplication, remove unnecessary administrative inclusions and to better explain current practice.

Version 3.0 Approved: by WILDCARE Board via email 24 August 2019 Version 2.a

Issue Date: Recommended to WILDCARE Board for approval via email 22nd August 2019

Description of Changes: Amendments to section 3.3.2 and 3.3.3 to align the Gift Fund Operating Guidelines with the WILDCARE Constitution.

Version: 2.0 Approved: 9 August 2019 at WILDCARE Board meeting Version: 1.a

Issue Date: Recommended to Wildcare Board for approval on 9th August 2019.

Description of Changes: Amendments made by CEO, including consultation with Governance Working Group 2 July 2019.

Version: 1.0

Approved: Adopted by the Wildcare Board in 2008.
