

HUNTER BIBLE CHURCH

SIX-TEN PUBLIC GIFT FUND

CONSTITUTION

Preamble

“Therefore, as we have opportunity, let us do good to all people”

Galatians 6:10

Hunter Bible Church has a ministry of giving money for relief of the poor and others, and now wishes to set up a public gift fund which will be a deductible gift recipient in order to do more good for those in ‘necessitous circumstances’.

The committee of the Hunter Bible Church resolved that the association adopt this constitution as the governing document of the fund.

1. Background – basic requirements

Hunter Bible Church Association Inc. is:

- (a) an association incorporated in NSW on 10 February 1999 with incorporation number Y2934407;
- (b) a registered charity under the Australian Charities and Not-for-profits Commission Act 2012; and,
- (c) registered in the Australian Business Register and allocated with ABN 14 518 578 865.

2. Background - enabling powers

Pursuant to s28 of the Associations Incorporation Act 2009 (NSW) and clause 7(a) of its constitution, the association's affairs are managed by its committee.

Without limiting such power, clause 12(b) of the association's constitution provides that funds may be derived from "donations, grants and any other sources approved by the association".

3. Establishment

There is established a fund called the "Hunter Bible Church Six-Ten Public Gift Fund" controlled by the fund committee.

4. Type of fund

This fund is a public fund and a gift fund and is intended to qualify as a recipient under s30.45 category 4.1.3 of the Income Tax Assessment Act 1997 (Cth) but may also qualify under any other category. To avoid confusion, it is not intended to be what is called an 'ancillary fund'.

5. Objects

The object of the fund is to solicit and receive gifts from the public for the sole purpose of relieving those in necessitous circumstances.

(a) Who is the fund intended to help?

It is intended to give relief only to those persons who are resident in Australia.

(b) Why do these people need help?

These persons will need help because they are in financial need caused by disaster, unemployment, illness or other misfortune including circumstances caused by their own lack of wisdom or self control.

(c) What help does the fund provide to these people?

It is intended that the fund will pay money directly to the person or their guardian/carer, or to providers according to the cost of goods and/or services provided directly to the person.

(d) How are the recipients of help selected?

In accordance with Galatians 6:10 "all people" are eligible to be considered, but only those whose assets, liabilities, family responsibilities, health expenses, etc., mean that they are in need of monetary relief so that they can obtain all that is necessary, not only for a bare existence, but for a modest standard of living in the Australian community.

6. The fund committee

- (a) The body controlling the fund will be the fund committee.
- (b) The fund committee is responsible to ensure that the fund is operated and maintained in accordance with the legal requirements of deductible gift recipients.
- (c) The fund committee will be made up of nominees of the committee of the association.
- (d) The persons appointed shall be members of the association who are resident in Australia a majority of which must be 'responsible people' in terms of the taxation law relating to public funds. They shall serve for a term of 3 years and shall be eligible for reappointment.
- (e) The committee of the association has the power to remove members of the fund committee and to fill casual vacancies.
- (f) Initially those persons forming the fund committee will be the leadership of the association, consisting of the church elders, who are:

Mr Greg Lee - Association Chairman

Mr David Moore - Association Secretary

Dr Robert Hungerford - Committee member

Dr Christopher Rowe - Committee member

Dr Moses Chan - Committee member

Mr Peter Witt - Committee member

Assoc. Prof. Neil Foster - Committee advisor

Mrs Jennifer Hearn - Committee advisor

Dr Michelle Watts - Committee advisor

Mr Benjamin Johannesen - Association Treasurer

7. The Secretary

The fund committee may appoint one of its members to the role of Secretary to receive and send correspondence, sign receipts, provide regular reports and board papers to the fund committee and cause proper returns or information to be provided to statutory authorities.

8. Gifts to the fund

- (a) The fund shall initially consist of the bank deposit in account BSB 062281, Account number 410288231
- (b) The fund shall only receive gifts of money or property for the objects and shall not receive any other donations.
- (c) The fund shall be held on trust by the association at the direction only of the fund committee.
- (d) Receipts for gifts must be issued in the name of the fund and contain the details required by s30.228 of the Income Tax Assessment Act 1997 (Cth).

9. Limits on use of the fund

- (a) The fund committee must use the fund and any accretions only for the objects.

- (b) The fund is to operate on a non-profit basis. i.e., no payments are to be made directly or indirectly to members of the fund committee except as reimbursement for out-of-pocket expenses incurred on behalf of the fund or proper remuneration for administrative services.

10. Bank account

- (a) An Australian bank account shall be opened and used for the fund and it shall be kept separate from other activities of the association in that it shall be used only for receipts and payments for the principal purpose of this fund.
- (b) All cheques drawn on the funds accounts shall require two signatories and all bank transfers shall require two digital authorisations.

11. Accounts

- (a) The fund committee shall cause proper accounting records to be made of all income and expenditures of the fund in accordance with s30.130 of the Income Tax Assessment ACT 1997 (Cth).
- (b) Financial statements shall be prepared and together with the report thereon be lodged with the fund committee and the association committee within three months of the close of the financial period which shall be deemed to end 30th June of each year. If required by law such statements shall be audited by a registered auditor.
- (c) Each member of the fund committee shall be entitled to inspect and copy all the records of the fund.

12. Powers

The association must invest money of the fund only in a way in which trustees are permitted to invest under the laws of NSW and may:

- (a) change an investment for any others or vary the terms and conditions on which an investment is held;

- (b) sell or otherwise dispose of the whole or any part of the investments or property of the fund;
- (c) take and act on the opinion of a barrister practising in Australia in relation to the interpretation or effect of this constitution without responsibility for any loss or error resulting from doing so;
- (d) take any action for the adequate protection or insurance of any part of the fund;
- (e) purchase, draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, and other negotiable or transferable instruments of any kind;
- (f) subject to law and this constitution, generally:
 - i. perform any administrative act; and
 - ii. whether or not the association is under any legal obligation to make the payment, pay or deduct all costs, charges, commissions, stamp duties, imposts, outgoings and expenses:
 - A. of or incidental to the fund or its management, winding up, ceasing to be a public gift fund, or revocation of endorsement as a deductible gift recipient; or
 - B. in connection with the preparation of constitution;
- (g) employ and pay or provide any benefit for any employee without being responsible for the default of the employee or for any loss occasioned by the employment;
- (h) engage and pay any agent, contractor or professional person without being responsible for the default of the agent, contractor or employee or for any loss occasioned by the engagement;
- (i) accept as part of the fund any gifts (by will or otherwise), donations, settlements or other dispositions in money, moneys worth or property to or in favour of the fund and either retain them in their original form without selling or converting them into money, or invest, apply or deal

with them in any way that the association may invest, apply or deal with the fund under this constitution;

- (j) decline or otherwise refuse to accept as part of the fund any gift (by will or otherwise), donation, settlement or other disposition in money, moneys worth or property;
- (k) manage any real property it holds with all the powers of an absolute owner including, but not limited to, power to allow any eligible entity to occupy the property on the terms and conditions the fund committee thinks fit; and,
- (l) do all other things incidental to the exercise of the powers of the fund committee.

The powers and discretions in this clause are to be treated as supplementary or additional to the powers vested in a trustee or trustees by law.

13. Dissolution

In the event of the fund being wound up or dissolved, or it ceasing to be endorsed as a deductible gift recipient, any surplus assets remaining after the payment of the fund's liabilities shall be transferred to another fund, authority or institution, which has similar objects, and to which income tax deductible gifts can be made

14. Changes to this fund

The fund committee shall notify the Australian Taxation Office of any amendments to this document or any other document relating to the establishment of this fund. The association does not have power to amend this clause.

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