

**NORTHERN TERRITORY OF AUSTRALIA**

**BATCHELOR INSTITUTE OF INDIGENOUS TERTIARY EDUCATION (GIFT  
FUND) BY-LAWS 2020**

As in force at 27 October 2020

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As in force at 27 October 2020

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## BATCHELOR INSTITUTE OF INDIGENOUS TERTIARY EDUCATION (GIFT FUND) BY-LAWS 2020

### By-laws under the *Batchelor Institute of Indigenous Tertiary Education Act 1999*

#### 1 Citation

These By-laws may be cited as the *Batchelor Institute of Indigenous Tertiary Education (Gift Fund) By-laws 2020*.

#### 2 Commencement

These By-laws commence on the day after they are published in *the Gazette*.

#### 3 Definitions

In these By-laws:

***gift fund*** means the gift fund as set out in clause 4.

***management committee*** means the management committee created under clause 6(1) to manage the gift fund.

***responsible persons*** means an individual who:

- (a) performs a significant public function;
- (b) is a member of a professional body having a code of ethics or rules of conduct;
- (c) is officially charged with spiritual functions by a religious institution;
- (d) is a director of a company whose shares are listed on the Australian Stock Exchange;
- (e) has received formal recognition from government for services

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to the community; or

- (f) is approved as a responsible person by the Commissioner of Taxation under the *Income Tax Assessment Act 1997* (Cth).

#### **4 Creation of Batchelor Institute gift fund**

- (1) The Institute must create a gift fund:
- (a) to which it is intended that the public will contribute;
  - (b) to which the Institute will invite the general public to make gifts for the purpose of carrying out the objects of the Institute and the gift fund (as set out in these by-laws);
  - (c) to which gifts of money, contributions or property for the objects are to be made;
  - (d) to which any money received by the Institute because of the gifts, contributions or property is to be credited; and
  - (e) that does not receive any other money, contributions or property.
- (2) The gift fund will not be maintained for the purposes of profit or gain to the Institute or the management committee and the gifts, contributions or property received by the gift fund and any money received because of the gifts or contributions must be applied solely towards the promotion of the objects of the gift fund under clause 5(1).
- (3) No portion of the gift fund is to be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever by way of profit to the Institute or the management committee.
- (4) The Institute must maintain a separate bank account for the gift fund and must comply with subdivisions 30-BA of the *Income Tax Assessment Act 1997* (Cth) with respect to the administration of the gift fund.
- (5) In accordance with section 30.228 of the *Income Tax Assessment Act 1997* (Cth), receipts issued for gifts to the gift fund will be issued in the name of the gift fund and must state:
- (a) the name of the deductible gift recipient;
  - (b) the ABN (if any) of the deductible gift recipient; and

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- (c) the fact that the receipt is for a gift to the gift fund.

## **5 Objects of the gift fund**

- (1) The object of the gift fund is to receive donations to support the Council in carrying out the functions of the Institute as set out in section 10(1) of the Act.
- (2) The gift fund may also be used to do all such other things that are incidental or conducive to the attainment of such objects which may include inviting the public to contribute to the gift fund.
- (3) The gift fund must not be used for the purposes of profit or gain for the Institute (or the management committee) and the income and property of the gift fund, from whatever source derived, must be applied solely towards the of the objects of the gift fund as set out in clause 5(1).
- (4) Despite clause 5(2), nothing shall prevent the payment, in good faith, of remuneration of the Institute or to any of its employees, officers or contractors in return for any services actually rendered to the gift fund or for goods supplied in the ordinary or usual way of business.
- (5) Nothing in clause 5(2) shall prevent the gift fund from being used to reimburse out-of-pocket expenses incurred on behalf of the gift fund.

## **6 Management Committee**

- (1) The gift fund will be administered by a committee of not less than three persons appointed by the Council, at least two of whom must be responsible persons.
- (2) The initial members of the management committee will be persons holding the following positions at the Institute:
  - a. Chief Financial Officer;
  - b. Chief Operating Officer; and
  - c. Manager Financial Services.
- (3) The gift fund committee will have the sole responsibility for decisions regarding the use and application of all gifts or contributions made to the gift fund and any money received because of those gifts or contributions for the purposes set out in clause 5(1).
- (4) The Council may remove and replace a person from the management committee at any time without cause by notice in writing.

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**7                    ATO Notification**

If amendments are made to these By-Laws or section 10(1) of the Act, the Institute must notify the Australian Taxation Office as soon as practicable following such amendments.

**8                    Dissolution of gift fund**

If the gift fund is wound up or if the endorsement (if any) of the organisation as a deductible gift recipient for the operation of the gift fund is revoked, any surplus assets of the gift fund remaining after the payment of liabilities attributable to it, must be transferred to a fund, authority or institution to which income tax-deductible gifts can be made.

## ENDNOTES

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### KEY

Key to abbreviations

amd = amended

app = appendix

bl = by-law

ch = Chapter

cl = clause

div = Division

exp = expires/expired

f = forms

*Gaz* = *Gazette*

hdg = heading

ins = inserted

lt = long title

nc = not commenced

od = order

om = omitted

pt = Part

r = regulation/rule

rem = remainder

renum = renumbered

rep = repealed

s = section

sch = Schedule

sdiv = Subdivision

SL = Subordinate Legislation

sub = substituted

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### LIST OF LEGISLATION

***Batchelor Institute of Indigenous Tertiary Education (DGR) By-laws 2019***

Notified 26 October 2020

Commenced 27 October 2020

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### GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: bl 1.