

# Victoria Conservation Trust (Amendment) Bill

No.

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# LEGISLATIVE COUNCIL

Read 1° 25 March 1986

*(Brought in by the Honourable J. H. Kennan)*

## A BILL

to amend the *Victoria Conservation Trust Act 1972* and for other purposes.

### **Victoria Conservation Trust (Amendment) Act 1986**

The Parliament of Victoria enacts as follows:

#### **Purposes.**

1. The purposes of this Act are—
  - (a) to alter the name of the Trust; and
  - (b) to increase the membership of the Trust; and
  - (c) to make provision for the annual reporting of the Trust; and
  - (d) to make other necessary amendments.

#### **Commencement.**

2. This Act comes into operation on the day on which it receives the Royal Assent.

#### **Principal Act.**

3. In this Act the *Victoria Conservation Trust Act 1972* is called the Principal Act.

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9863.

**Change of name.**

4. (1) The *Victoria Conservation Trust Act 1972* is to be known as the *Victorian Conservation Trust Act 1972*.

(2) In section 1 of the Principal Act for “*Victoria*” substitute “*Victorian*”. 5

(3) In section 2 (1) of the Principal Act for “*Victoria*” substitute “*Victorian*”.

**Member to be called Trustee.**

5. (1) In section 5 of the Principal Act—

(a) in sub-section (1) for “member” substitute “trustee”; and 10

(b) in sub-section (2) for “member” (wherever occurring) substitute “trustee”; and

(c) in sub-section (3) for “member” (wherever occurring) substitute “trustee”.

(2) In section 6 of the Principal Act— 15

(a) in sub-section (1) for “members” substitute “trustees”; and

(b) in sub-section (2) for “members” substitute “trustees”; and

(c) in sub-section (3) for “member” substitute “trustee”; and

(d) in sub-section (4) for “members” substitute “trustees”.

(3) In section 7 of the Principal Act— 20

(a) in sub-section (3) for “members” (wherever occurring) substitute “trustees”; and

(b) in sub-section (4)—

(i) for “members” substitute “trustees”; and

(ii) for “member” substitute “trustee”. 25

**Covenants may be positive.**

6. In section 3A (10) (c) of the Principal Act after “notwithstanding that” insert “it may be positive in nature or that”.

**Alteration of membership.**

7. In section 4 of the Principal Act for “five” substitute “nine”. 30

**Alteration of quorum.**

8. In section 7 (2) of the Principal Act for “three” substitute “five”.

**New sections substituted for section 9.**

9. For section 9 of the Principal Act substitute—

**Accounts and records.**

5 “9. (1) The Trust must ensure that there are kept proper accounts and records of the transactions and affairs of the Trust and such other records as sufficiently explain the financial operations and financial position of the Trust.

(2) The Trust must do all things necessary to do each of the following:

- 10 (a) Ensure that all money payable to the Trust is properly collected;
- (b) Ensure that all money expended by the Trust is properly expended and properly authorized;
- 15 (c) Ensure that adequate control is maintained over assets owned by, or in the custody of, the Trust;
- (d) Ensure that all liabilities incurred by the Trust are properly authorized;
- (e) Ensure efficiency and economy of operations and avoidance of waste and extravagance;
- 20 (f) Develop and maintain an adequate budgeting and accounting system;
- (g) Develop and maintain an adequate internal audit system.”

**Annual Report.**

25 “10. (1) The Trust must, in respect of each financial year, prepare an annual report containing—

- (a) a report of its operations during the financial year; and
- (b) financial statements for the financial year—

and submit the report to the Minister not later than 30 September next following the financial year.

30 (2) The report of operations referred to in sub-section (1) (a) shall—

- (a) be prepared in a form and contain information determined by the Trust to be appropriate; and
- (b) contain any further information required by the Minister.

(3) The financial statements referred to in sub-section (1) (b) shall—

- 35 (a) contain information determined by the Treasurer to be appropriate; and
- (b) be prepared in a manner and form approved by the Treasurer; and

- (c) present fairly the results of the financial transactions of the Trust during the financial year to which they relate and the financial position as at the end of that year; and
  - (d) be signed by the principal accounting officer (by whatever name called) of the Trust and by the Chairman and another Trustee who shall—
    - (i) state whether, in their opinion, the financial statements present fairly the results of the financial transactions of the Trust during the financial year to which they relate and whether they sufficiently explain the financial position of the Trust as at the end of the financial year; and
    - (ii) state whether, at the date of signing the financial statements, they were aware of any circumstances that render any particulars included in the statements misleading or inaccurate and, if so, particulars of the circumstances; and
  - (e) be audited as required by section 12 (1).
- (4) The Minister must cause each annual report submitted to the Minister under this section to be laid before the Legislative Council and the Legislative Assembly before the expiration of the seventh sitting day of the Legislative Council or the Legislative Assembly, as the case may be, after the annual report has been received by the Minister.
- (5) If the Trust fails to submit an annual report to the Minister—
- (a) if an extension has not been granted under section 11—by 30 September in any year; or
  - (b) if such an extension has been granted—by the date to which the extension was granted—
- the Minister must report or cause to be reported that failure and the reasons for the failure to each House of the Parliament.”

**Extension of time for submitting annual report.**

“11. (1) The Trust may apply in writing to the Minister for an extension of the date by which an annual report is to be submitted to the Minister.

(2) The Minister may in writing grant to the Trust an extension to such date as the Minister determines.

(3) The Minister must advise or cause to be advised each House of the Parliament of each extension granted under this section and the reasons for the extension.”

**Audit.**

“12. (1) The financial statements referred to in section 10 must be audited by the Auditor-General.

5 (2) The Auditor-General has, in respect of the audit of the financial statements, all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts.

(3) Without limiting the generality of sub-section (2), the Auditor-General and each officer of the Auditor-General—

- 10 (a) has right of access at all times to the books of the Trust; and  
(b) may require from an officer or employee of the Trust any information, assistance and explanations necessary for the performance of the duties of the Auditor-General in relation to the audit.

15 (4) The Trust must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit by the Auditor-General under this section.”

**Reports to the Minister.**

“13. If so requested by the Minister the Trust must report to the Minister on any matter specified by the Minister.”

**20 Transitional provisions.**

25 10. (1) The Victorian Conservation Trust is to be taken as the same body as the Victoria Conservation Trust in spite of any changes to the name and structure of the Victorian Conservation Trust by this Act and no act matter or thing is to be affected because of those changes of name and structure.

(2) A reference in any document—

- 30 (a) to the “*Victoria Conservation Trust Act 1972*” is to be taken to refer to the “*Victorian Conservation Trust Act 1972*”; and  
(b) to the “Victoria Conservation Trust” is to be taken to refer to the “Victorian Conservation Trust”.

35 (3) The members of the Victoria Conservation Trust holding office immediately before the commencement of this Act continue to hold office after the commencement of this Act as trustees of the Victorian Conservation Trust upon the same terms and conditions as those upon which they held office as members of the Victoria Conservation Trust.





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