NOTICE OF
AUSTRALIAN ARID LANDS BOTANIC GARDEN
COMMITTEE MEETING

MEMBERSHIP

Mrs Anne O’Reilly - Chairperson
Ms Suzy Graham
Mr John Banks
Cr Fran Paynter
Mr John Zwar
Mr John Sandham

Notice is hereby given pursuant to Section 41 of the Local Government Act 1999, that an AUSTRALIAN ARID LANDS BOTANIC GARDEN COMMITTEE MEETING will be held in the Australian Arid Lands Botanic Garden Conference Room, Stuart Highway, Port Augusta on FRIDAY, 31 MAY 2019 commencing at 11:30AM.

A copy of the Agenda for the above meeting is attached to this notice.

ANNE O’REILLY
DIRECTOR CORPORATE & COMMUNITY SERVICES
27/05/2019
AGENDA

1. WELCOME / DECLARE MEETING OPEN

2. ADJOURNMENT OF MEETING
   Members to participate in a Guided Garden Tour with Chris Nayda
   (Please wear appropriate clothing and footwear)

3. APOLOGIES

4. CONFIRMATION OF PREVIOUS MINUTES

   Recommendation
   That the minutes of the previous AALBG Committee Meeting (AR19/8693) held on
   22/03/2019 (as attached), be confirmed as a true and accurate record of proceedings.

5. REPORTS/ AGENDA ITEMS

   5.1 AR19/21677 - AALBG Activity Report  ATTACHMENT A
   5.2 AR19/21637 - AALBG Budget Comparison PE 30/04/2019  ATTACHMENT B
   5.3 AR19/21675 - AALBG Trust Financial Report  ATTACHMENT C
   5.4 AR19/13349 - AALBG Deed of Trust  ATTACHMENT D
   5.5 AR19/21676 – AALBG Trust Operation Procedures  ATTACHMENT E
   5.6 Friends of the AALBG Report  ATTACHMENT F

6. OTHER BUSINESS

   6.1 Port Augusta City Council Strategic Plan

7. NEXT MEETING

8. CLOSE OF MEETING
MINUTES OF
AUSTRALIAN ARID LANDS BOTANIC GARDEN COMMITTEE
HELD ON FRIDAY 22 MARCH 2019

PRESENT
Members
Mr John Zwar, President of the Friends of the AALBG
Mr John Sandham, Botanic Gardens of SA
Ms Suzy Graham, Business Representative
Mr John Banks, Chief Executive Officer
Mrs Anne O’Reilly, Director Corporate & Community Services

Officers
Mrs Natalie Munns, Manager AALBG

Observer
Mr Cory Keenan, AALBG Garden Coordinator
Mr Brian Reichelt, Friends of the AALBG
Ms Pip Robinson, Curator, Botanic Gardens of SA

APPOINTMENT OF CHAIRPERSON
The position of Chairperson for the Australian Arid Lands Botanic Garden Committee was declared open.

Nominations were called for Chairperson.

Mr John Zwar / Mr John Sandham that Australian Arid Lands Botanic Garden Committee elects Anne O’Reilly as the Chairperson for the Australian Arid Lands Botanic Garden Committee.

CARRIED

WELCOME
The Chairperson declared the meeting open at 11.28 am.

APOLOGY
Cr Fran Paynter

MINUTES OF PREVIOUS MEETING
Mr John Sandham / Mr John Banks that the Minutes of the previous Australian Arid Lands Botanic Garden Advisory Committee Meeting (AR18/12056) held on 06/04/2018 be confirmed as a true and accurate record of proceedings.

CARRIED

BUSINESS ARISING FROM PREVIOUS MEETING
Nil

COMMITTEE MEMBERSHIP – TERMS OF REFERENCE
Resignation of the following committee members was acknowledged:
Carly Archer
Natasha Paul

The Committee noted the contribution of resigning members to the Australian Arid Lands Botanic Garden Advisory Committee and agreed to call for a new Tourism representative.

Council at its meeting on 26/02/2019 appointed Ms Suzy Graham as the Business Representative of the Australian Arid Lands Botanic Garden Committee for a term expiring November 2022.

Ms Suzy Graham was welcomed by the Committee.

Mr J Zwar / Mr J Sandham that Australian Arid Lands Botanic Garden Committee receives and notes the updated Terms of Reference (AR14/431[v6]) with correction of 4(v) to ‘A representative of Botanic Garden & State Herbarium of SA’.

CARRIED
Mr J Sandham / Ms S Graham that Australian Arid Lands Botanic Garden Committee

1. Receives and notes the report (AR19/8658) dated 26/02/2019, submitted by the Manager - AALBG concerning Australian Arid Lands Botanic Garden – Annual Activity Report 2018, noting the positive survey results and positive comments received at a State, National and International level regarding the Garden.

2. Collects and collates comments and accolades relating to the Garden for highlighting.

CARRIED

Mr J Zwar / Mr J Sandham that Australian Arid Lands Botanic Garden Committee receives and notes the report (AR19/8629) dated 26/02/2019, submitted by the Director Corporate & Community Services concerning AALBG - Budget Comparison PE 31/12/2018.

CARRIED


ACTION: Rules regarding AALBG Trust Account to be forwarded to Committee members for information.

CARRIED

Mr J Sandham / Mr J Zwar that Australian Arid Lands Botanic Garden Committee receives and notes the AALBG - Garden & Nursery Action Plan 2019.

CARRIED

Mr J Sandham / Ms S Graham that Australian Arid Lands Botanic Garden Committee receives and notes the Australian Arid Lands Botanic Garden Marketing Plan 2019, with the inclusion of Public Relation goal and strategies to increase the local community’s understanding and appreciation of the Australian Arid Lands Botanic Garden.

ACTION: AALBG Marketing Plan 2019 to be re-tabled at next meeting.

CARRIED

Mr J Banks / Mr J Sandham that Australian Arid Lands Botanic Garden Committee receives and notes the Australian Arid Lands Botanic Garden Events Calendar 2019 with minor edits as discussed at the meeting and the inclusion of an Informal Gathering with Council and Community at the Garden at a date to be determined.

CARRIED

Mr J Sandham / Ms S Graham that Australian Arid Lands Botanic Garden Committee receives and notes the report dated 22nd March 2019, submitted by the President, Friends of the AALBG.

CARRIED
CORRESPONDENCE
- UNIVERSITY OF
TECHNOLOGY
SYDNEY –
RESEARCH PROJECT
AR19/8642
F16/489

Mr J Zwar / Mr J Sandham that Australian Arid Lands Botanic Garden Committee recommends Council:

1. Receives and notes the correspondence received from the University of Technology Sydney concerning Research Project proposal.

2. Commits cash funding of $6,000 and in-kind support of up to $2,000 for the 2019/20 and 2020/21 financial years to enable a 3 year PhD Research Project to be undertaken whilst also seeking funding from alternate external resources for this research.

CARRIED

NEXT MEETING

Next Meeting – May 2019

The meeting was declared closed at 1.20pm.
REPORT FOR: AALBG Committee  
MEETING DATE: 31 May 2019  
REPORT FROM: Manager – AALBG  
REPORT TITLE: Australian Arid Lands Botanic Garden Activity Report  
FILE NO: F19/138  
RECORD NO: AR19/21677

PURPOSE

To provide the Australian Arid Lands Botanic Garden (AALBG) Committee with details of activities and projects being undertaken by staff at the AALBG.

RECOMMENDATION

Australian Arid Lands Botanic Garden Committee resolves to receive and note the report dated 24/5/2019, submitted by the Manager - AALBG concerning Australian Arid Lands Botanic Garden.

AUSTRALIAN ARID LANDS BOTANIC GARDEN (AALBG) INTERPRETIVE CENTRE INCORPORATING SOUVENIR AND PLANT SALES & CAFÉ & NURSERY

1.1 Café and Gift Shop

Since our last meeting on 22nd March the Visitor Centre has been kept busy with an increasing number of buses on route to Lake Eyre. We also had a busy Easter with regular visitors heading out for our popular Easter Bilby Adventure, and an extremely busy Mother’s Day doing 202 meals. Mother’s Day continues to be our busiest day of the year.

Gift shop staff continue to pursue new products that fit with our ethos, with the latest product line being stainless steel straws which almost sold out in the first three weeks.

1.2 Garden

Garden staff and our energetic team of garden volunteers have been planting out many areas of the Garden awaiting the much anticipated rain. Emphasis has been placed on added conservation of rare Eremophila’s in the Eremophila Garden. Management worked with the AALBG Gardener to develop a record keeping system of what is planted and where in the garden. Previously this had only been a paper copy and difficult to find all records from over the years. We are now using a simple spreadsheet and keeping the record in Council’s Electronic Document Record Management System to ensure longevity.

The new laser engraver has finally arrived with Ryan and Perry undertaking training on how to use it. The new labels look very professional.
Ordering of new interpretive signage has commenced. Most of the Garden’s signage is quite old and cracked with some being illegible. The first 20 signs have been ordered and are expected to be delivered in the next few weeks. Stage two of the fencing is nearing completion thanks to the Friends group.

1.3 Nursery

The nursery has received quite a few bulk orders in the lead up to end of financial year and also planting season. Focus will need to be kept on propagating over the winter period to ensure sufficient stock is ready for spring. Staff have continued to propagate Sturt Peas with huge success, we have sold 471 plants this financial year to date.

1.4 Friends / Volunteers

Friends have remained busy with usual weekly tasks as well as attending the Laura Folk Fair, Kadina APS, Clare Plant Show as well as the Wilmington Family Day, to sell plants and promote the AALBG. Staff and Friends worked together to plan a fantastic day of free activities on the 26th May for Botanic Gardens Day. The Garden’s volunteers were celebrated during National Volunteers Week with a thank you morning tea. The Birdwatchers Bulletin Board is nearing completion. Bird watchers are a huge part of the Garden’s visitation, so the Board will be a popular addition to the garden. The Friends funded Information Kiosk is being loaded with data, a very time consuming task. Once finalised this will be a great addition to the garden for people with disabilities, children and when weather is inclement. In July, the garden will host two international volunteers heading to AALBG to do their college placement. One from France who will be helping in the nursery and garden, and one from Austria in the Visitor Centre focusing on tourism and hospitality.

1.5 Staff

New café staff took part in a garden tour with Chris Nayda to give them a higher appreciation of the garden and also have the ability to answer tourist’s questions relating to the garden. Existing Gift Shop staff also joined this tour to improve their knowledge. Visitor Centre staff also took part in the SA Police/ Business Port Augusta Crime Prevention seminar.

1.6 Master Plan Update

Quotes are being obtained to update the AALBG Master Plan. To date we have one quote from Shannon Architects and are awaiting one from URPS (Urban and Regional Planning Solutions).
1.7 Marketing Plan

The Marketing plan has been updated as per discussion at the previous meeting, and staff and volunteers are working towards set goals. The Friends and AALBG have formed a partnership with Southern Cross Austereo and have filmed a new ad in the Arid Explorer’s Garden. This should be completed within the next week and will feature alongside the garden’s general ad on TV over the next 6 months. Botanic Garden Day proved to be a fantastic platform to share information about why botanic gardens exist, what botanic gardens do and what is special about the Australian Arid Land Botanic Garden. AALBG have once again entered the SA Tourism Awards Eco Tourism category and are hoping to better the bronze from last year. AALBG have continued to work well with the Kungka Tjuta Aboriginal women’s group with the group regularly attending the visitor centre to paint. AALBG also sell their wares in the gift shop.

1.8 Stanley Smith Horticultural Trust

Manager is to pen a Letter of Enquiry to the trust in the first instance, this needs to be accepted before submitting a full proposal. This is required by July 15th. Grant will be for the resurfacing of some of the garden trails for better use by prams and wheelchairs as well as mulch for the Eremophila garden.

RISK MANAGEMENT

1: Financial/Budget/Asset Management
n/a

2: Legal/Policy
n/a

3: Environment/Planning
n/a

4: Community
   4.1 General
       n/a
   4.2 Aboriginal Community Consultation
       n/a

NATALIE MUNNS
AALBG MANAGER
24/05/2019
COMMUNITY VISION & STRATEGIC PLAN OUTCOMES

1   We Thrive
1.3 We use and manage our financial and physical resources in the best interests of our community, now and for the future.

PURPOSE

To provide the Committee with an update on the budget for 2018/2019.

RECOMMENDATION

Australian Arid Lands Botanic Garden Committee resolves to receive and note the report (AR19/21637) dated 24/05/2019, submitted by the Director Corporate & Community Services concerning AALBG - Budget Comparison PE 30/04/2019.

DISCUSSION

1. The attached budget comparison for the period ended 30 April 2019 is provided for Member’s information.

2. Overall, the facility is currently $138,221 below budget.

3. External painting of the Visitor Centre will commence in June 2019 with this work being completed across two financial years.

4. Revenue for the Visitor Centre is slightly below budget for the year to date however an end of year adjustment for rent will bring revenue back to within budget.

5. Café salaries & wages are above budget for the year to date but this includes the Christmas Dinners held on Thursday nights during December. Once again, this expenditure is offset by increased revenue through café sales.

6. Arid Lands Garden expenditure remains below budget for the year to date, partially due to the external financial support from the Friends of the AALBG and Flinders Power who have contributed to projects within the garden during the financial year.

7. Nursery plant sales remain above budget for the year to date.
<table>
<thead>
<tr>
<th></th>
<th>BUDGET 2018/2019</th>
<th>BUDGET YTD</th>
<th>ACTUAL YTD</th>
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<tbody>
<tr>
<td><strong>Arid Lands Visitor Centre</strong></td>
<td></td>
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</tr>
<tr>
<td>Salaries &amp; Wages</td>
<td>177,300</td>
<td>156,413</td>
<td>162,199</td>
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<td>Other Operating Costs</td>
<td>244,400</td>
<td>217,281</td>
<td>210,910</td>
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<td>Depreciation</td>
<td>15,900</td>
<td>14,027</td>
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<td></td>
<td>437,600</td>
<td>387,720</td>
<td>387,136</td>
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<tr>
<td><strong>Arid Lands Visitor Centre Revenue</strong></td>
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<tr>
<td></td>
<td>227,000</td>
<td>200,258</td>
<td>197,203</td>
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<tr>
<td><strong>Arid Lands Café Expenditure</strong></td>
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<td>Salaries &amp; Wages</td>
<td>278,300</td>
<td>245,514</td>
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<td>Other Operating Costs</td>
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<td>478,400</td>
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<td>438,600</td>
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<td><strong>Arid Lands Garden Expenditure</strong></td>
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<tr>
<td>Salaries &amp; Wages</td>
<td>230,800</td>
<td>203,610</td>
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<td>Other Operating Costs</td>
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<td>132,137</td>
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<td></td>
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<tr>
<td><strong>Arid Lands Nursery Expenditure</strong></td>
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</tr>
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<td>Salaries &amp; Wages</td>
<td>89,600</td>
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<td></td>
<td>179,300</td>
<td>158,648</td>
<td>146,594</td>
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<tr>
<td><strong>Arid Lands Nursery Revenue</strong></td>
<td></td>
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<tr>
<td></td>
<td>108,000</td>
<td>95,277</td>
<td>125,933</td>
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<tr>
<td><strong>SURPLUS / (DEFICIT)</strong></td>
<td>(807,900)</td>
<td>(717,706)</td>
<td>(579,485)</td>
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</table>
8. A comparison of the souvenir sales for the past five years is set out below.

![AALBG Souvenir Sales Comparison Graph]

As can be seen from the above graph, souvenir sales for the 2018/19 year started at similar levels to previous years and rose consistently, peaking in month of October and high in November. Sales have been reasonably consistent with previous years over the summer months.

**RISK MANAGEMENT**

1: Financial/Budget/Asset Management
n/a

2: Legal/Policy
n/a

3: Environment/Planning
n/a

4: Community

4.1 General
n/a

4.2 Aboriginal Community Consultation
n/a

**ANNE O’REILLY**

24/05/2019
AALBG Trust Account Bank Reconciliation

Balance brought forward 2017/18

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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>$</td>
<td>15,650.35</td>
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Donations received:

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<th>Year/Quarter</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2018/19</td>
<td></td>
</tr>
<tr>
<td>1st Quarter</td>
<td>$2,922.45</td>
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<tr>
<td>2nd Quarter</td>
<td>$1,868.15</td>
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<tr>
<td>3rd Quarter</td>
<td>$759.45</td>
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<tr>
<td>4th Quarter (to 24/5/19)</td>
<td>$1,172.30</td>
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Credit Interest

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<th>Month</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Jul-18</td>
<td>$1.32</td>
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<tr>
<td>Aug-18</td>
<td>$1.32</td>
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<tr>
<td>Sep-18</td>
<td>$1.17</td>
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<tr>
<td>Oct-18</td>
<td>$1.13</td>
</tr>
<tr>
<td>Nov-18</td>
<td>$1.20</td>
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<tr>
<td>Dec-18</td>
<td>$1.24</td>
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<tr>
<td>Jan-19</td>
<td>$1.30</td>
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<tr>
<td>Feb-19</td>
<td>$1.26</td>
</tr>
<tr>
<td>Mar-19</td>
<td>$1.40</td>
</tr>
<tr>
<td>Apr-19</td>
<td>$1.42</td>
</tr>
<tr>
<td>May-19</td>
<td></td>
</tr>
<tr>
<td>Jun-19</td>
<td></td>
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Expenditure

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Contribution towards In Touch Screens Information Kiosk</td>
<td>$(3,909.15)</td>
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$18,476.31
DEED OF TRUST

THE AUSTRALIAN ARID LANDS BOTANIC GARDEN TRUST

incorporating:

THE RULES OF THE AUSTRALIAN ARID LANDS BOTANIC GARDEN PUBLIC FUND MANAGEMENT COMMITTEE

Norman Waterhouse Lawyers
Level 15, 45 Pirie Street
Adelaide SA 5000
Tel: 8210 1200
Fax: 8210 1234
BETWEEN: JOY BALUCH C/- Civic Centre, 4 Mackay Street, Port Augusta SA 5700 (hereinafter called “the Settlor”) of the one part

AND: THE CORPORATION OF THE CITY OF PORT AUGUSTA C/- Civic Centre, 4 Mackay Street, Port Augusta SA 5700 (hereinafter called “the Trustee”) of the other part

RECITALS:

A. The Settlor desires to establish and maintain a public fund to be held by the Trustee thereof for the purpose of the Objects of the Trust;

B. The Settlor desires that such fund shall be truly public in nature and that therefore the Trustee shall use its best endeavours to invite and attract further contributions to the fund from the widest selection of the general community as is appropriate to the circumstances;

C. The Settlor believes that the incentive to make contributions to the fund will be enhanced by the right of any contributor to claim an allowable deduction from his gross income to the extent of any contribution in excess of two dollars ($2.00) thereto;

D. The Settlor also desires that the income arising in any year from the investment of the capital of the fund shall be exempt from income taxation;

E. Therefore, in the circumstances, the Settlor desires that the various trusts powers and conditions applicable to the administration of the fund shall satisfy the provisions of Section 50-5 and either of Subdivisions 30-A and 30-B of the Income Tax Assessment Act 1997 and approved by the Commissioner of Taxation for the purposes of the said provision;

F. The Trustee is prepared to accept contributions and administer a fund established in accordance with the Settlor’s intention hereinbefore recited and to be known as the Australian Arid Lands Botanic Garden Public Fund;

G. The Settlor has on or before the execution of this Deed paid to the Trustee the sum of ten dollars ($10.00) to the intent that the said sum shall be held by the Trustee upon the trusts and with and subject to the powers and provisions hereinafter declared which sum the Trustee has agreed to accept and hold accordingly.

NOW THIS DEED WITNESSES as follows:

1. DEFINITIONS AND INTERPRETATION

1.1 In this Deed the following terms shall (where the context admits) have the following meanings:

1.1.1 “the Appointor” means the Corporation of the City of Port Augusta;
1.1.2 "the Beneficiaries" means any fund authority or institution in Australia approved by the Commissioner of Taxation or a Deputy Commissioner for the purpose of either of Subdivisions 30-A and 30-B of the Income Tax Assessment Act 1997 which in the opinion of the Trustee has the same or similar objects as set out in Recital A hereto which shall include in any case the Australian Arid Lands Botanic Garden Public Fund;

1.1.3 "the Default Beneficiaries" means such funds authorities or institutions or any one or more of them exclusive of the others as may be determined by the Trustee provided that such funds authorities or institutions have been approved by the Commissioner of Taxation or a Deputy Commissioner for the purpose of Subdivisions 30-A and 30-B of the Income Tax Assessment Act 1997;

1.1.4 "the Trustee" means the original trustee and the trustee or trustees for the time being hereof including any new additional or substituted trustee or trustees hereof;

1.1.5 "the Vesting Date" means the date which is the one hundredth anniversary of the date of this Deed or such earlier date as the Trustee may whether by deed or memorandum in writing appoint to be the Vesting Date;

1.1.6 "the Objects of the Trust" means:

1.1.6.1 the protection and enhancement of the natural environment, specifically the conservation of Australia’s arid lands native plant species;

1.1.6.2 the establishment of an Australian arid lands botanic garden of international repute and significance providing recreation, education and scientific opportunity through the plant sciences;

1.1.6.3 the encouragement of dialogue with all sections of the community concerning development and maintenance of an Australian arid lands botanic garden and its heritage and conservation value;

1.1.6.4 the promotion of research into and economic strategies for sustainable development of arid land technology and flora in Australia and overseas;

1.1.6.5 to ensure that development of an Australian arid lands botanic garden is consistent with the International Union for Conservation of Nature, Botanic Gardens Conservation Strategy and the objectives of the South Australian Botanic Garden and State Herbarium Act.
1.2 Words importing the singular number or plural number shall be deemed to include the plural number and the singular number respectively;

1.3 Words importing any gender shall include every gender;

1.4 The word "person" shall include a corporation;

1.5 References to any statute or subordinate legislation shall include all statutes and subordinate legislation amending consolidating or replacing the statute or subordinate legislation referred to.

2. **TRUSTEE TO ACT**

The Trustee shall stand possessed of the said sum of ten dollars ($10.00) and any other moneys or real or personal property as the Settlor or any other person may from time to time contribute to the Trustee **UPON TRUST** to invest the same and to stand possessed of the said sum and any other moneys or real or personal property as aforesaid and of the investments for the time being representing the same and the income therefrom and all accumulations and all accretions thereto (herein referred to as "the Trust Fund") subject to and upon the trusts herein declared of and concerning the same.

3. **INCOME TRUST**

3.1 Until the Vesting Date the Trustee shall hold the Trust Fund **UPON TRUST** as to the income thereof for the Beneficiaries or any one or more of them exclusive of the others as the Trustee in its absolute discretion may from year to year determine **PROVIDED ALWAYS** that the Trustee may at any time or times prior to the Vesting Date in its absolute discretion accumulate the whole or any part of the income of the Trust Fund and add such income to the capital thereof but so that the Trustee may at any time or times prior to the Vesting Date resort to such accumulations and pay or apply the whole or any part or parts thereof as income of the Trust Fund.

3.2 Any decision of the Trustee under Clause 3.1 hereof shall be recorded in a written minute and such minutes shall be signed by the Trustee and kept with the accounts and records of the Trust Fund. Once such a decision has been so recorded it shall be irrevocable with respect to the income of the year to which it relates.

4. **CAPITAL TRUST**

4.1 Upon the Vesting Date the Trustee shall hold the Trust Fund **UPON TRUST** to pay or distribute the Trust Fund amongst such of the Beneficiaries or any one or more of them exclusive of the others in such shares and proportions as the Trustee in its absolute discretion may determine on or within a period of one month before the Vesting Date and in default of any such determination as aforesaid by the Trustee **UPON TRUST** for the Default Beneficiaries absolutely in such shares and proportions as may be determined hereunder.

4.2 Notwithstanding anything in the foregoing and without prejudice to the powers conferred on the Trustee by statute the Trustee may at any time and from time...
to time pay or distribute the whole or any part of the capital or income of the Trust Fund from time to time remaining in the hands of the Trustee amongst such of the Beneficiaries or any one or more of them exclusive of the others in such shares and proportions as the Trustee may in its absolute discretion think fit.

5. **VARIATION OF TRUSTS**

At any time or times prior to the Vesting Date the Trustee may by deed vary the trusts or provisions hereof **PROVIDED HOWEVER THAT** no such power of variation shall be exercised without the prior approval of the Commissioner of Taxation or such other person as shall exercise powers with regard to trusts of this nature at the relevant date in the future.

6. **DEFAULT BENEFICIARIES**

In the event of the failure of the Trust Fund in whole or in part (and whether capital or income) to vest absolutely under the provisions of this Deed the Trustee shall hold such of the same as shall not have become absolutely vested or been applied under the trusts and powers herein contained or under any statutory power **UPON TRUST** for the Default Beneficiaries absolutely in such shares and proportions as may be determined hereunder.

7. **INVESTMENT**

The Trustee shall invest any moneys for the time being in the Trustee's hands in any of the modes of investment for the time being authorised by the law of the Commonwealth or the State of South Australia for the investment of trust funds and to vary or transpose such investments into or for others of any nature hereby authorised.

8. **POWER TO APPOINT NEW TRUSTEE**

The power of removing a trustee or appointing a new trustee may be exercised by Deed by the Appointor **PROVIDED ALWAYS** that notwithstanding anything to the contrary herein contained neither the Settlor nor any Beneficiary shall at any time be eligible for appointment as a Trustee hereby **PROVIDED FURTHER** that a company may at any time be appointed to be a Trustee or the sole Trustee of this Deed.

9. **RESIGNATION OF TRUSTEE**

The Trustee for the time being under this Settlement may at any time resign as trustee by giving to the Appointor not less than one (1) calendar month's notice in writing of his, their or its intention to do so.

10. **PROTECTION OF TRUSTEE**

The Trustee shall not be liable for the consequences of any error or forgetfulness whether of law or of fact on the part of the Trustee or its legal or other advisers or generally for any breach of duty or trust whatsoever unless it shall be proved to have been committed given or omitted by deliberate bad faith by the Trustee charged to be so liable **AND** accordingly all persons claiming any beneficial interest in over or upon the
property subject to this Deed shall be deemed to take with notice of and subject to the protection hereby conferred on the Trustee.

11. **RESULTING TRUSTS NEGATIVED**

Any resulting trust to the Settlor or to any other company person or persons who shall have caused the value of the Trust Fund to be increased is hereby expressly negatived.

12. **PUBLIC FUND ESTABLISHED**

The Australian Arid Lands Botanic Garden Public Fund ("the Fund") is hereby established to receive gifts of money or property for the Objects of the Trust and shall operate in the manner as described in the Rules of the Australian Arid Lands Botanic Garden Public Fund as annexed hereto as Annexure A.

13. **PUBLIC FUND MONIES**

The Trustee must use gifts made to the Fund, and any money received because of such gifts, only for the Objects of the Trust.

14. **AGREEMENT TO ABIDE BY MINISTERIAL RULES**

The Trustee must comply with any rules that the Treasurer or Assistant Treasurer of Australia and the Environment Minister of Australia make to ensure that gifts made to the Fund are used only for the Trust's principal purpose.

15. **TRUST NOT ACTING AS A CONDUIT**

Any allocation of funds or property to other persons or organizations will be made in accordance with the environmental objectives of the Trust and not be influenced by the preference of the donor.

16. **TRUSTEE AS NOT- FOR- PROFIT**

The income and property of the Trust shall be used and applied solely in promotion of its objects and not portion shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or by way of profit to its trustees or beneficiaries.

17. **SURPLUS TO BE TRANSFERRED ON WINDING UP**

The Trustee shall, in the event that the Fund is wound up, transfer any surplus monies or property in the Fund to another public fund on the register of environmental organisations.

18. **PROVISION OF STATISTICAL INFORMATION**

The Trustee shall give to the Secretary of the Environment Department of Australia, within four months of the end of each financial year, statistical information about gifts made to the Fund that income year. Such statistical information shall include, without limitation:
18.1 information on the expenditure of the Fund's monies and the management of the Fund's assets;

18.2 audited financial statements for the Trust for the financial year;

18.3 the answer to any question about the Fund that the Secretary shall put to the Trustee in writing before the end of that financial year.

19. **NAME OF TRUST**

This Settlement shall be known as the Australian Arid Lands Botanic Garden Trust.

20. **INFORMATION BY TRUSTEE**

The Trustee must inform the Department responsible for the environment as soon as possible if:

- the Trust changes its name or the name of its public fund; or
- there is any change to the membership of the management committee of the public fund; or
- there has been any departure from the rules for public funds

**EXECUTED** as a deed by both parties.

**SIGNED SEALED AND DELIVERED** by the said JOY BALUCH in the presence of: 

THE COMMON SEAL of THE CORPORATION OF THE CITY OF PORT AUGUSTA was hereunto affixed in the presence of:

(Mayor)

(Chief Executive Officer)
ANNEXURE A

RULES OF THE AUSTRALIAN ARID LANDS BOTANIC GARDEN
PUBLIC FUND MANAGEMENT COMMITTEE

1. ESTABLISHMENT OF MANAGEMENT COMMITTEE

1.1 Establishment of Fund

Pursuant to a deed of trust dated August 2000 ("the Trust Deed") between Joy Baluch (as settlor) and the Corporation of the City of Port Augusta (as trustee) the Australian Arid Lands Botanic Garden Public Fund ("the Fund") was established.

1.2 Establishment of Management Committee

In order to better manage the Fund the Council has resolved to establish the Australian Arid Lands Botanic Garden Public Fund Management Committee ("the Management Committee") pursuant to section 41 of the Act.

2. OBJECTIVES OF THE FUND

The objectives of the Fund ("the Objectives") are:

2.1 to support the objectives and activities of the Australian Arid Lands Botanic Garden Trust;

2.2 the protection and enhancement of the natural environment, specifically the conservation of Australia's arid lands native plant species;

2.3 the establishment of an Australian Arid lands botanic garden of international repute and significance providing recreation, education and scientific opportunity through the plant sciences;

2.4 the encouragement of dialogue with all sections of the community concerning development and maintenance of an Australian arid lands botanic garden and its heritage and conservation value;

2.5 the promotion of research into and economic strategies for sustainable development of arid land technology and flora in Australia and overseas; and

2.6 to ensure that development of an Australian arid lands botanic garden is consistent with the International Union for Conservation of Nature, the Botanic Gardens Conservation Strategy and the objectives of the South Australian Botanic Gardens and State Herbarium.
3. **INTERPRETATION**

In these Rules, unless the contrary intention appears:

3.1 “the Act” shall mean the Local Government Act 1999;

3.2 “the Chairperson of the Management Committee” shall mean the person appointed to that position pursuant to Rule 6.1;

3.3 “the Council” shall mean the Corporation of the City of Port Augusta;

3.4 “Financial Year” shall mean the twelve month period between and including the first of July and the thirtieth of June in any one year;

3.5 “the Fund” shall mean the Australian Arid Lands Botanic Garden Public Fund;

3.6 “the Management Committee” shall mean that group of persons holding office as such pursuant to Rule 5;

3.7 “Meeting” means an ordinary or special meeting of the members of the Management Committee;

3.8 “Observers” means those persons attending any Meeting, but who do not have a vote on any matter to be determined by the Management Committee;

3.9 “the Regulations” shall mean the Local Government (Procedures at Meetings) Regulations 2000;

3.10 “the Trust” shall mean the Australian Arid Lands Botanic Garden Trust; and

3.11 “the Trustee” shall mean the Corporation of the City of Port Augusta.

4. **OPERATION OF THE FUND**

4.1 **Fund is Non-Profit**

The Fund must operate on a non-profit basis.

4.2 **The Management Committee**

A committee of management will administer the Fund. A majority of the committee are required to be “responsible persons” as defined by the Guidelines to the Register of Environmental Organisations.

4.3 **Separate Bank Account Established**

The Trustee shall open and maintain a separate and distinct bank account with a reputable Australian or South Australian bank to which all monetary gifts and donations made to the Fund shall be credited (and no other monies) and from which shall be drawn only those amounts authorised by the Trustee on advice from the Management Committee for the purpose of fulfilling the Objectives.
4.4 **Gift Register Established**

The Fund shall operate a gift register which shall be a written document recording information about the non-monetary gifts and donations made to and accepted by the Fund and shall include, amongst other things:

4.4.1 a description of the non-monetary gift or donation;

4.4.2 the name of the donor;

4.4.3 the date of the gift or donation;

4.4.4 the value of the gift or donation; and

4.4.5 where the gift or donation is to be kept.

4.5 **Gift Register – Policies**

The Management Committee may, in relation to the gift register, make written policies for:

4.5.1 the types of items to be accepted into the gift register;

4.5.2 how accepted gifts will be cared for (e.g. documentation, conservation and storage);

4.5.3 how accepted items will be removed from the Fund and disposed of;

4.5.4 if and how accepted items can be loaned to others;

4.5.5 the manner in which these policies are to be reviewed; and

4.5.6 any other matter in relation to the operation of the Fund.

4.6 **Operation of Bank Account and Gift Register**

Neither the bank account nor the gift register shall receive any gift or donation for a purpose other than the Objectives, and all gifts or donations received by the Fund for the Objectives shall be credited to either the bank account or the gift register.

4.7 **Public Invited to Donate**

Members of the public shall be invited to make gifts of money or property to the Fund for the Objectives.

4.8 **Interest on Monies**

Money from interest on donations, income derived from donated property, and money from the realisation of such property must be deposited into the Fund.

4.9 **Receipts to be Issued**
For any donation or gift, a receipt in the name of the Fund must be issued to the donor upon request, and full and proper accounting records and procedures must be kept and used for the Fund in relation to all donations or gift.

4.10 **Statistical Information**

Statistical information on donations must be provided to the relevant commonwealth government department within four months of the end of each Financial Year and shall include:

4.10.1 information on the expenditure of the Fund’s monies and the management of the Fund’s assets;

4.10.2 the audited financial statements of the Fund for the past Financial Year; and

4.10.3 the answer to any question about the Fund that the Secretary of the department shall put to the Management Committee in writing before the end of the past financial year.

4.11 **Winding up of the Fund**

In the event the Fund is wound up, any surplus assets must be transferred to another fund with similar objectives that is on the Register of Environmental Organisations.

5. **MEMBERSHIP OF THE MANAGEMENT COMMITTEE**

5.1 **Members of the Management Committee**

The Management Committee shall comprise of:

5.1.1 the principal member of the City of Port Augusta;

5.1.2 one elected member of the City of Port Augusta;

5.1.3 the director (or nominee) of the Adelaide Botanic Gardens and State Herbarium;

5.1.4 two representatives of the Friends of the Australia Arid Lands Botanic Garden Inc.

5.1.5 one representative of business from the Port Augusta or Regional community; and

5.1.6 one representative nominated by the South Australian Tourism Commission.

5.2 **Council to Appoint Members**
The Council shall, following consultation with the Management Committee, appoint, replace or fill any vacancy of the Management.

5.3 Council May Appoint Proxies for Absent Members

If any member under Rule 5.1 is unable to attend any Meeting, the Council may appoint another person who is a “responsible person” as required to ensure that the Trust may continue to qualify for entry on the Register of Environmental Organisations who shall act as a proxy for the absent member for that meeting and who shall be able to take part in the business of that meeting and vote on any matter requiring determination.

5.4 Resignation of Members

Any member of the Management Committee may resign from the Management Committee after serving on the Secretary written notice to that effect.

6. POSITIONS IN THE MANAGEMENT COMMITTEE

6.1 Election of Chairperson

The Management Committee shall elect a Chairperson (“the Chairperson”) from among its membership by show of hands or by secret ballot at the first meeting of the Management Committee to be held after the commencement of the financial year and at the first meeting held after the commencement of each financial year thereafter.

6.2 Election of Deputy-Chairperson

The Management Committee shall elect a Deputy Chairperson (“the Deputy Chairperson”) from among its membership by a show of hands or by secret ballot at the first meeting of the Management Committee to be held after the start of the financial year and at the first meeting held after the commencement of each financial year thereafter.

6.3 Election of Secretary

The Management Committee shall elect a secretary (“the Secretary”) from among its membership by show of hands or by secret ballot at the first meeting of the Management Committee to be held after the commencement of the financial year and at the first meeting held after the commencement of each financial year thereafter.

6.4 When Deputy-Chairperson to Preside

In the absence of the Chairperson, the Deputy Chairperson shall preside at any Meeting of the Management Committee.
6.5 **Election of Ad-hoc Chairperson**

If at any meeting of the Management Committee duly convened under these rules, the Chairperson or the Deputy Person shall not be present, the Management Committee shall elect a chairperson (for that meeting) from their number and for the purposes of that meeting, that chairperson shall have all of the normal powers of the Chairperson.

7. **PROCEEDINGS OF MEETING OF MANAGEMENT COMMITTEE**

7.1 **Quorum to be Present**

At all Meetings a quorum of members shall be half of the membership of the Management Committee, plus one, and no business shall be transacted without a quorum present.

7.2 **Date of Meetings**

The Management Committee shall meet as and when determined by the Management Committee, but must meet at least three times every financial year.

7.3 **Notice of Meetings**

The Secretary shall give notice to each member of the Management Committee at least five clear days prior to any meeting. All notices of meetings shall be issued under the hand of the Secretary of the Management Committee.

7.4 **Special Meeting**

The Secretary must, at the request of the Chairperson or two other members of the Management Committee, call a special meeting of the Management Committee.

7.5 **Conflict of Interest and Propriety in Office**

7.5.1 The principles relating to conflicts of interest in sections 73 and 74 of the Act apply to the members of the Management Committee.

7.5.2 The provisions of section 62 of the Act apply to the members of the Management Committee.

7.6 **Members to Vote**

Each member of the Management Committee (including the Chairperson) present at any Meeting must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.

7.7 **Manner of Voting**

Each member of the Management Committee (including the Chairperson) present at any Meeting shall have one deliberative vote provided that in the case of an equality of votes the Chairperson shall have a second or casting vote.
8. **OTHER PROCEDURE AT MEETINGS**

The procedures to be observed in relation to the conduct of Meetings will be as determined by Parts 1, 3 and 4 of the Regulations and otherwise determined by the Council. If the Council has not determined any procedures, the procedures shall be determined by the Management Committee.

9. **RECORDS**

9.1 **Accounts to be Prepared and Audited**

The Trustee shall ensure that adequate and proper accounting records are maintained in respect of the Fund and these records shall be audited on an annual basis by the auditor for the time being of the Trustee.

9.2 **Fund Reconciliation**

A Fund reconciliation shall be prepared by the Management Committee as soon as practicable after the conclusion of any financial year to assist the Trustee and a copy of the said reconciliation shall be forwarded to all members of the Management Committee and to the Trustee.

10. **ADMINISTRATION OF THE MANAGEMENT COMMITTEE**

10.1 **Fund Reconciliation to be Presented**

The Secretary, after liaising with the Trustee, shall present a reconciliation of the Fund to the Management Committee at least once every three months.

10.2 **Minutes to be Kept**

The Secretary must cause Minutes to be kept of the proceedings of the Management Committee.

10.3 **Content of Minutes**

The Minutes of every meeting shall include:

10.3.1 the names of all the members present and the time in which they entered or left the meeting;

10.3.2 the names of Observers or visitors to any meeting;

10.3.3 every motion or amendment and the names of the mover and seconder together with the result of the motion or amendment;

10.3.4 any disclosure of interest made under sections 73 and 74 of the Act; and
10.3.5 a note of the making of an order under section 90(2) or 91(7) of the Act.

10.4 Minutes to be Distributed

Minutes of a Meeting shall be distributed to all members of the Management Committee as quickly as possible after the Meeting, with the Minutes to be submitted to the next scheduled meeting of the Management Committee immediately following that meeting for confirmation.

10.5 Copies of Minutes to be Kept

Copies of the Minutes of a Meeting shall be kept as a permanent record of the Management Committee.

10.6 Annual Report

The Management Committee must submit an annual report of the Management Committee’s activities to the Trustee at the conclusion of the financial year.

11. SUB-COMMITTEES OF THE MANAGEMENT COMMITTEE

The Management Committee may, at its own discretion, appoint sub-committees of its membership and specialised personnel to research and report on any objectives of the Management Committee, and shall have the power to delegate any power or responsibility of the Management Committee to that sub-committee or specialised personnel.

12. LIABILITY OF THE MANAGEMENT COMMITTEE

No liability attaches to a member of the Management Committee for an honest act or omission in the performance or discharge of the member’s or the committee’s powers, functions or duties. A liability that would attach to a member of the Management Committee attaches instead to the Council.

13. AMENDMENT OF THESE RULES

13.1 Council may Alter Rules

The Council may revoke, vary or add to any provisions of these Rules by resolution of Council.

13.2 Council to Provide Warning of Change

Advice of any proposed changes to these Rules shall be given to the Management Committee at least twenty eight (28) days before any such changes are considered formally by Council.
14. INTERPRETATION OF THESE RULES

14.1 Council to Interpret

Should there be any dispute as to the definition or interpretation of these Rules or any part thereof or any irregularities whatsoever, the dispute shall be determined by Council and this decision shall be final and binding.

14.2 Grievances to be Submitted

Any member of the Management Committee or other person having any grievance as to the management, operation, interpretation or definition of the Fund, or these Rules, or wishing to make recommendations as to the general operation of the Fund, shall communicate in writing any such grievance or recommendation to the Council for determination and to the Management Committee for notice.

14.3 Council to Determine

The Council shall determine the grievance or discuss the recommendation referred to above and shall advise the author and the Management Committee of its decision.
AALBG Trust Operations

Revenue
All donations will be receipted into Authority using the AALBG Cost Code 2/1050/8.
Funds are transferred from the Council account to the AALBG Trust Bank Account quarterly.

Expenditure
All expenditure from the Trust Fund must be approved by the AALBG Trust Management Committee via meeting minutes (or out of session email if urgent).
and must meet the objectives of the Fund (as per the Deed).
Purchases will be paid by the Council and reimbursed by the AALBG Trust Account.

Reporting
A Bank Reconciliation will be prepared each quarter, or more frequently if required.
The AALBG Trust will be audited annually by Councils auditors.
A report to ACNC and the Register of Environmental Organisations will be submitted annually.
**AALBG Board/Strategic Management Committee Port Augusta, 31/05/2019**

**Report from The Friends of the Australian Arid Lands Botanic Garden, Port Augusta Inc.**

**Introduction:** Local Friends Committee Members regularly meet with AALBG Manager, Natalie Munns, to discuss and resolve issues of mutual interest, between our scheduled quarterly Friends meetings.

**General comments:**
- Friends volunteers have been involved in many developments at the AALBG since the last meeting of this Committee in March including:
  - Continued assistance in the Nursery propagating plants, sometimes on two days a week.
  - Garden maintenance including weeding and pruning, mulching, oiling seats, shelters and other wooden structures throughout the Garden, irrigation repairs and installation, planting approx 200 new plants replacing those which died during heat waves in summer, some internal fence repairs and pathworks.
  - Plant sales conducted by Friends volunteers, at various local and regional events have raised $9594 for Council so far this year. Friends volunteers pay for their own fuel and accommodation and all proceeds from these sales go to council.
  - Friends assisted in many ways preparing for the 4th national Botanic Gardens Open Day in May which was a successful event with many visitors enjoying activities on the day. The rare plants tours were well attended, Peter Langdon’s bird walk was booked out and all other activities were well attended. Friends welcomed visitors to the Garden and spoke with them about the Garden and promoted Friends Membership. The Bird Bulletin Board (Information Bay) has been erected and still requires final fit out.
  - Friends provided more than $14,000 for a new “graveograph” label making machine for the Garden, to replace the old worn out machine they provided many years ago. Staff and some Friends have been trained in its use and about 20 new labels produced are in place along the main entrance path.
  - Friends corporate membership remains strong and these local businesses are great ambassadors in promoting the AALBG.
  - As reported in March because of the very significant damage being caused to plantings in the AALBG by feral animals and kangaroos, the Friends are funding the bulk of a new 2m high state of the art, approx 6 km feral proof fence around the Garden. Friends have sought corporate sponsorship, donated money and our members have also donated, and approximately half of the fence is complete. This project is likely to cost in the region of $100,000. An application I made to NEXIF for a community grant to help fund the fence was unsuccessful. Friends volunteers have undertaken much of the fencing work.
• The Bird Bulletin Board (Information Bay) fabricated by Friends has been erected and still requires final fit out. It is estimated that approx 30% of our visitors are bird watchers.

• Friends guides provided tours for 50 Chinese horticulture students from Adelaide Uni and for other groups and individuals. With Lake Eyre filling they are expecting a busy season with some visitors passing through to L Eyre, taking tours.

• This week I gave a presentation on the AALBG to the AGM of Open Gardens SA (who donated to the feral proof boundary fence and the touch screen information kiosk at the AALBG) and in the next two weeks I have similar presentations for Butterfly Conservation SA, The Mediterranean Garden Society Adelaide and the Garden History Society SA.

• Friends assisted staff plant the circular courtyard with everlasting daisies.

• Although I appreciate that the financial situation does not allow new projects to commence, I again ask the committee to keep in mind the future of the now abandoned historic Yudnapinna Homestead & the possibility of relocating it to the Garden. Please urge Council to consider every possible means of saving this important heritage building – grants, community appeal and others. This building, refurbished inside would provide very useful multi-purpose space (displays and exhibitions, indoor events and larger meetings) at the AALBG and could generate income for Council. Grant funds may be available.

• In April during a visit to Tasmania for a Churchill Fellows convention I took the opportunity to visit the Royal Tasmanian Botanic Garden (celebrating 200 years), The Emu Valley Rhododendron Garden and the Tasmanian Arboretum. The latter two are both owned and operated by volunteer groups. It is always interesting to visit other gardens and to talk to staff and volunteers where possible.

• Friends have spent $116,000 on AALBG projects so far this financial year. (This does not include volunteer labour component).

John Zwar, President, The Friends of The Australian Arid Lands Botanic Garden, Port Augusta Inc. 31/05/2019