

ORGANISING YOUR COMMUNITY FOR CONSERVATION

Why get organised?

When communities are formally organised as trusts or companies, this can help the group to make decisions about what to do with land. It can also help other organisations like environmental NGOs to deal with the community in a formal legal context. This means you can more easily enter into agreements such as Community Conservation Agreements to protect your land for the benefit of the community, and conserve it for your children and grandchildren.

What options are there for landowner groups?

There are two main formal legal options for communities who want to become organised - a Charitable Trust, and a Community Company. Other options include Community Associations.

A **Charitable Trust** is an association registered under the *Charitable Trusts Act*. An 'association' means a group of people. A 'trust' means holding property for the benefit of another person or group. You can register an association under the *Charitable Trusts Act* for religious, educational, literary, scientific, social or charitable purposes. A Charitable Trust is a popular choice for landowner groups who want to become organised to promote conservation on their land. This fact sheet tells you how to form an association under the *Charitable Trusts Act*.

A **Community Company** is formed under the *Companies Act*. It is a separate legal entity in which there are directors and shareholders. Its purpose is to promote the community interest. You should get legal advice if you are thinking about forming a community company.

A **Community Association** is where a group of people join together for a particular purpose, ranging from social to business, and is usually intended to be a continuing organisation. It is not formally registered under the law, but you could have a constitution or rules and membership requirements, or it could just be a group of people joined together without any formal structure.

HOW TO REGISTER AN ASSOCIATION UNDER THE CHARITABLE TRUSTS ACT

If your community wants to set up an association and register it under the *Charitable Trusts Act*, here are the basic steps to follow.

1. Hold a meeting to agree to incorporate an Association

You should hold a meeting with community representatives, chiefs, and any other person who represents the interests of the landowners and land users in your community. At the meeting, you should talk about why you want to form an association, and agree to form an association.

2. Nominate trustees

At the meeting to form an association, the group should nominate trustees to be in charge of the trust. This is called a 'board of trustees'. There should be between 3 and 5 trustees.

3. Draft a Constitution

The group should then draft a constitution for the association. A constitution is a document that describes the objectives and functions of the association. It should state clearly rules that the association must follow, including:

- the name of the association and its registered address;
- the aims and objectives of the association (eg, what do you want the association to be able to do? What is the purpose of the association?);
- rules for membership (eg, who can join the association? How do they join? Is there a fee?);
- rules for managing funds and accounts (eg, how is money managed and accounted for? What can the association spend its money on? Who makes those decisions?);
- rules for the executive members of the association (eg, how many executive members will there be? What are the duties of the Chairperson, Secretary, Treasurer, and other executive members?);
- the structure of the association (eg, will there be different groups responsible for different activities?);
- rules for voting and making decisions (eg, how are Annual General Meetings called? Will there be extraordinary meetings held for specific decisions? How do people vote?);
- rules for the appointment of trustees and management of the trust fund;
- rules for amending the constitution;
- rules about how to solve any problems that might come up;
- rules for dissolving the association (eg, how can members decide to end the association?).

4. Registrar of Companies to check draft constitution

Once the constitution is drafted, you should take draft constitution to the Registrar of Companies' office in Honiara for checking.

5. Complete registration form

Collect a registration form from the Registrar of Companies' office. Fill in the form, including:

- the date the meeting was held to set up the association;
- what form of voting/nomination was done in the meeting (eg, showing of hands?);
- summary of the objective or aims of the association (in the constitution);
- list the name of trustees (more than 3 and less than 5)
- show the common seal by drawing it, or if the common seal is ready by then, stamp against the space for it.

6. Finalise the constitution

Make any minor changes to the constitution and put it in its final form for registration. It should then be signed by the trustees. All trustees must also initial at the bottom of every page.

7. Register Association with Registrar of Companies

Go to the Companies' Office in Honiara with the completed registration form and constitution and lodge it with that office to be registered by the Registrar of Companies.

NOTE FOR LANDOWNER GROUPS PROTECTING THE ENVIRONMENT

If your community wants to set up an association for the purposes of protecting the environment, the LALSU at the PSO is available to advise you on your options. We can help with things like drafting your constitution, and registering the association.