

## LICENSING, REGULATION AND ALCOHOL STRATEGY

### Constitution

#### *Associations Act 2003*

All Associations are required to have a constitution. The constitution sets out the rules by which the Association is to operate.

#### **Requirements for a Constitution**

The minimum requirements for an Association's constitution are set out in the *Associations Act*.

#### **'Model Constitution'**

Associations may write their own constitution or adopt a 'Model Constitution'. The model provides a constitution that allows clubs and associations to clearly, effectively and lawfully carry out their objects and purposes. Download the [Model Constitution](#) as a word document to allow you to modify it.

#### **How Do We Adopt The 'Model Constitution'?**

Where an Association wishes to adopt the 'Model Constitution' the following points need to be addressed. Complete the Model Constitution by:

- 1) inserting the information required (name etc.) in the Schedule (last 3 pages) of the Model Constitution;
- 2) having the new constitution adopted by the members at a duly convened meeting of the Association (in accordance with the provisions of the constitution being replaced);
- 3) the Public Officer:
  - completing and swearing the 'Constitution Amendments Statutory Declaration' in the presence of a witness. The witness must be a person over the age of 18 years;
  - attaching a complete copy of the revised/amended constitution of the Association as an Annexure to the Statutory Declaration;
  - having the witness complete and sign the prescribed Annexure Clause on the front page of the constitution (see the Annexure Clause on the top of the first page of the Model Constitution); and
  - lodging the above documentation within 1 month of the General Meeting at which the constitution is adopted by the members together with the

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required lodgement fee of \$15 (\$35 if lodged more than 1 month after the meeting).

### **Does Our Constitution Meet The Requirements Of The *Associations Act*?**

It is a legislative requirement that each Association's constitution meets the requirements of the *Association's Act* 2003.

These requirements are:-

- 1) the qualification of members of the association;
- 2) the creation of the executive officers of the association and the procedure for filling those positions;
- 3) the procedure for the settling of disputes between the association and its members;
- 4) the constitution of the committee of the association and the powers of that committee;
- 5) the procedure for the conduct of meetings of the committee of the association;
- 6) the manner in which the funds of the association are to be managed;
- 7) the method of altering, adding to or rescinding the constitution of the association; and
- 8) the method of altering the objects or purposes of the association.

Please Note:

- Where the Association's constitution does not specifically state their financial year, it will default to 30 June as per section 4 of the Act.
- Notification of 21 days is required for Special Resolutions as per section 37 of the Act.
- The Annual General Meeting is to be held within 5 months of the end of the financial year of the Association as per section 36 of the Act.
- Audited Financial Statements are to be available to members 14 days prior to the AGM for inspection and are required to be presented at the AGM as per section 43 of the Act. Accordingly, at least 14 days notice must be given for an AGM.
- When applying for incorporation of an association, a current legible and complete copy of an association's constitution must be lodged with the Commissioner of Consumer Affairs.

The statutory declaration on the following page is to be completed by the association's Public Officer and lodged with a complete copy of the association's amended constitution.

The annexure clause below is to be written on the front page of the copy of the constitution being lodged. Both documents must be witnessed by the same person, who is over the age of 18 years.

**Annexure Clause** (this must be written on the front page of the constitution being lodged)

<p><b>THIS IS THE ANNEXURE MARKED 'A' REFERRED TO IN THE STATUTORY DECLARATION OF</b></p> <p>_____</p> <p><i>(Name of Public Officer)</i></p> <p><b>MADE ON THE _____ DAY OF _____ 20 _____</b></p> <p><b>BEFORE ME _____</b></p> <p><i>(signature of witness on statutory declaration)</i></p>
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Please note all lodgement fees are exempt from GST