

FACTSHEET 5.

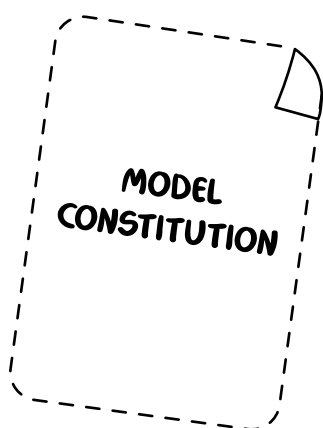
What is a Constitution - Your Rule Book



Your **constitution** is the guide on how to run the association.

It sets out the role of your committee, your purpose for being incorporated, how to become a member and how to deal with conflict.

You can write your own constitution, or you can choose to use the model constitution.



Model Constitution

The model constitution is located on the NT Government Associations Compliance Team website.

This document has been written to satisfy the requirements of the legislation and to make it easier for you to identify how you would like to operate.

Write your own Constitution

Your association is able to write your own constitution to suit your needs. Please be mindful that there are legislated requirements for your constitution.

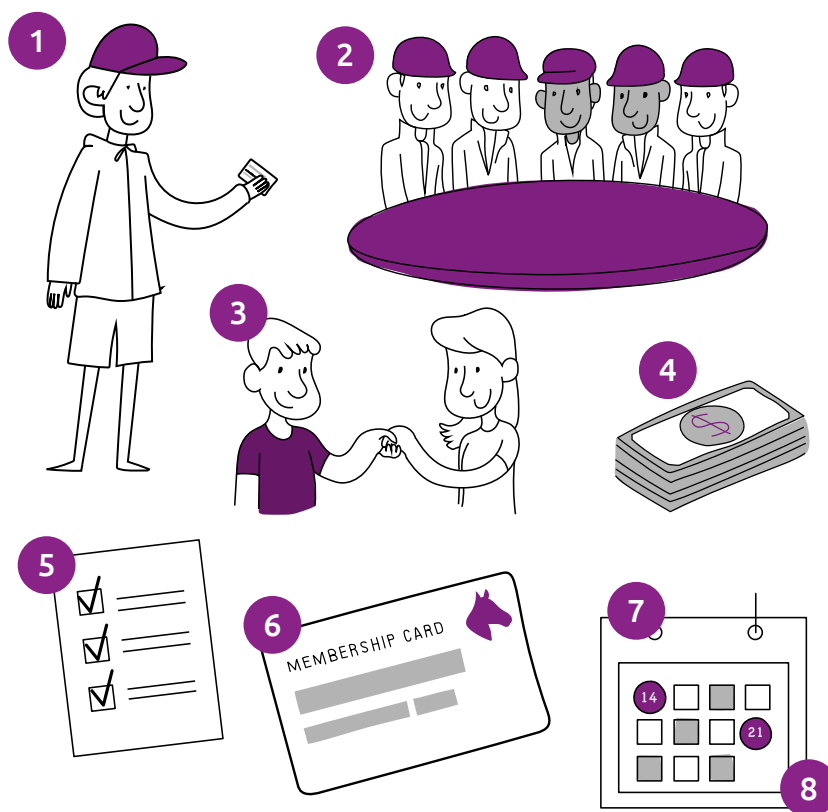
The NT Government Associations Compliance Team is available to review your draft constitution to confirm the requirements have been met. Simply email Associations.Compliance@nt.gov.au

Once finalised it should be lodged formally with the Territory Business Centre.

Requirements

Section 21 of the *Associations Act 2003* identifies the minimum details required:

1. who can be a member and how to apply
2. the election of the committee and their powers
3. how to handle conflict
4. how to manage your funds
5. rules for altering your constitution
6. the legal name of the association, must include the word 'incorporated'
7. the minimum notice to your members for your annual general meeting must be at least 14 days
8. the amount of notice for a special resolution is at least 21 days.





By-Laws

Your association can also make its own by-laws.

By-laws usually include a code of conduct, policies and day to day operational procedures.

Your by-laws are separate to the constitution and do not need to be submitted to the NT Government Associations Compliance Team for approval.

Your by-laws may be amended at any time to suit the needs of the association, however any changes must be approved by the membership at a general meeting and must not contradict your constitution.

Employees

Your constitution should advise if employees are considered members of the association and what their rights are. Some employees are permitted on the committee, however are not able to vote to ensure there is no conflict of interest.



meeting such as an annual general meeting or a special general meeting. If members approve the changes then your association is ready to lodge the new document.

Amending your constitution

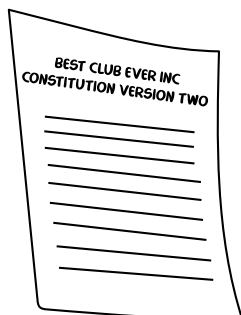
To make any changes to the constitution, the current version must be amended or replaced. The new constitution must be presented to members as a special resolution at a general



Things to consider



- Your constitution should be provided to each member and made available to view at all times.
- The constitution should suit the needs of the association and should be read and understood by your membership. The constitution is recorded on your public record.
- The *Associations Act 2003* and Regulations overrule the constitution if there is a conflict.

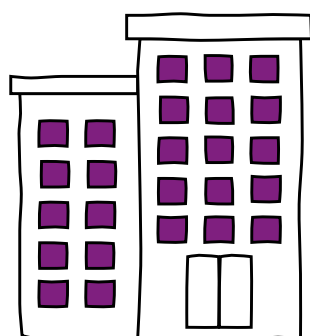


Lodgement

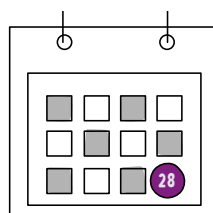
The new constitution is not able to be used until it has been lodged and assessed as compliant with the legislation by the NT Government Associations Compliance team.

Your new constitution can be lodged with the Territory Business Centre or by using the online portal which is found by going to <https://nt.gov.au/industry/licences/licensing-nt-online>

You will need to provide the constitution with annexure "A" on the front page, amending constitution statutory declaration, AGM or SGM minutes, an application form and the fee when you lodge. The association will be notified once the document is accepted and recorded on the public register. To avoid late fees the constitution should be lodged within 28 days of the meeting it was presented at.



TERRITORY BUSINESS CENTRE



Quick Summary

Your constitution is your rulebook:

- you can write your own or use the model constitution template
- there are minimum requirements for your constitution
- the NT Government Associations Compliance team can help by reviewing your draft
- by-laws are not required, however are great for operational rules, policy and code of conduct
- your constitution and your by-laws must be accepted by your members
- the legislation overrules the constitution and by-laws if there is a conflict.

Lodging your constitution:

- ☐ Any changes to your constitution must be lodged with the NT Government.
- ☐ To avoid late fees lodge your constitution within 28 days of the meeting where the members approved it.
- ☐ Ensure you provide your new constitution, the minutes, application and fee.
- ☐ Your new constitution must be accepted by the NT Government before you use it.

