

Amending the Constitution Associations Act 2003 (the Act)

Facts

- Amendments to the constitution do not take effect until lodged and accepted as compliant with the Act.
- Amendments are made as a special resolution at a general meeting, usually an Annual General Meeting (AGM) or Special General Meeting (SGM).
- Special resolutions require at least 21 days' notice.
- The meeting must ensure the quorum has been met.
- To amend the constitution three quarters of the voting members must approve the changes.
- The amended constitution is required to be lodged within 28 days of the meeting the members approved the changes.
- Changes to the association's objects and purposes may require advertisement in the newspaper.
- Changes to the associations name must be made through the amendment of your constitution.
- The association is responsible for ensuring approved name changes are reflected on the bank accounts, mortgages, land and on any assets.
- The NT Government Associations Compliance Team is happy to review your draft constitution prior to the meeting.

Notice to Members

It is recommend that the members be provided with the old constitution, the new constitution and a table of the changes with reasons why.

Checklist to lodge

Once the members have approved the changes lodge the amended document with the following:

- any committee member is able to complete the **application to amend the constitution**
- the AGM/SGM meeting **minutes** are supplied
- the "amend the constitution" **statutory declaration** is completed by the public officer and witnessed by someone over the age of 18.

NOTE: the statutory declaration must advise the intended correct legal name of the association and the AGM/SGM date where the members approved the changes.

- The constitution has the '**Annexure A**' located on the front page. This has the public officers name, the date that the statutory declaration was signed (not the AGM/SGM date) and is witnessed by the same person on the statutory declaration.

Checklist

- the **constitution** which has the minimum requirements identified in Section 21 of the Act:
 - ✓ The correct legal name used in full throughout the document including “incorporated” or “Inc.”
 - ✓ who can be a member and how to apply
 - ✓ the election of the committee and their powers
 - ✓ how to handle conflict
 - ✓ how to manage your funds
 - ✓ rules for altering your constitution
 - ✓ the legal name of the association, must include the word ‘incorporated’
 - ✓ the minimum notice to your members for your annual general meeting must be at least 14 days
 - ✓ the amount of notice for a special resolution is at least 21 days.

Education information, forms, fees and templates can be found:

www.business.nt.gov.au/associations