Amending the constitution checklist

*Association Act 2003*

# 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.
* the constitutionwhich 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 on the Northern Territory Government website[[1]](#footnote-1).

1. <https://nt.gov.au/associations> [↑](#footnote-ref-1)