

NORTHERN TERRITORY  
ASSOCIATIONS INCORPORATION ORDINANCE 1963-1969

STATUTORY DECLARATION

I, *Frederick Stewart Fogarty*  
of *Kulaluk Nightcliff* do solemnly and  
sincerely declare

1. I am the public officer of the *GWALWA*  
*DARANIKI ASSOCIATION* Incorporated.
2. The copy of the rules shown to me at the time of  
making this my declaration and marked with the  
letter "A" is a true copy of the rules of the  
*GWALWA DARANIKI ASSOCIATION* Incorporated.

AND I MAKE THIS SOLEMN declaration by virtue of the Statutory  
Declarations Act 1959 conscientiously believing the statements  
contained therein to be true in every particular.

Declared at *Samuel* the *2<sup>nd</sup>*  
day of *June* 19 *73* before me

*R Chapman*

NOTE: Any person who wilfully makes a false statement in  
a Statutory Declaration is guilty of an indictable  
offence, and is liable to imprisonment, with or with-  
out hard labour, for four years.

CONSTITUTION

GWALWA DARANIKI ASSOCIATION INC.

NAME The name of this association shall be the GWALWA DARANIKI..... Association Incorporated.

OBJECTS

The object of the GWALWA DARANIKI..... Association shall be -

1. To foster social, cultural, educational and recreational activities for members.
2. To improve the living conditions of members.
3. To foster better understanding between Aboriginal and Non - Aboriginal people.
4. To acquire by purchase, lease, sublease, hiring or otherwise lands and buildings and to change vary and improve the same.

MEMBERSHIP

Membership of the Association shall be controlled by the rules made under this constitution.

ADMINSTRATION

The affairs of the Association shall be conducted in accordance with the Rules made under this Constitution.

ALTERATION OF CONSTITUTION

This constitution may be amended in accordance with the Rules under this Constitution.

DISSOLUTION

The Association may be dissolved in accordance with the Rules made under this Constitution.

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Division A - Annual

8. The Annual General Meeting of the Association shall be held on a date in the month of July each year.
9. The Executive shall fix such time and place of meeting.
10. The purpose of the Annual General Meeting shall be -
  - (a) to receive reports from the Secretary and Treasurer or the Association
  - (b) to receive a statement of income and expenditure together with a Balance Sheet and books of account, duly audited and signed by the Auditor of the Association.
  - (c) to receive the Auditor's Report which shall be in accordance with these Rules, and attached to the Balance Sheet and statement of income and expenditure and shall if any member so requires, be read before the Association in General Meeting and shall be open to inspection by any member.
  - (d) to elect the following officers to the Executive of the Association who will hold office (subject to section 20 1-e of these rules) until the following Annual General Meeting when they shall retire and be eligible for re-election -
    - (i) President
    - (ii) Vice President
    - (iii) Secretary
    - (iv) Treasurer
    - (v) Six other members provided that at least five members of the Executive shall be Aborigines.
  - (e) to elect an Auditor who shall be a qualified member of a recognised Institute or Society of Accountants.
  - (f) to finalise any other business of which due notice has been given.

Division B - Special

11. A special general meeting shall be called by the Secretary
  - (a) upon resolution by the Executive
  - (b) upon receipt by him of a written request by the President
  - (c)
    - (i) upon written request to the Secretary by not less than five financial members of the Association. Any such request in writing duly signed by the members shall include the business proposed specifying the motion to be considered.
    - (ii) Such a meeting shall be called within a period not less than seven days nor more than twenty eight days from the date of delivery of the said request to the Secretary of the Association.

Division C - Notice

12. A written notice of any general meeting specifying the time place and business to be discussed shall be circulated amongst members.

Division D - Quorum

13. Twelve members shall constitute a quorum at all General Meetings of the Association.

Division E - Voting

14. At all general meetings, every financial member personally present shall be entitled to one vote.
15. Voting shall be by show of hands unless any three members or the chairman requires a division or a ballot.
16. Only a financial member is entitled to vote on any motion or any amendment thereto.
17. In the event of an even number of votes, the motion or any amendment thereto is lost.

Division F - Records of Meetings

18. Minutes of all proceedings and resolutions of general meetings shall be entered in a book to be kept for that purpose.

PART 1 V

OFFICE BEARERS AND EXECUTIVE MEMBERS

19. Office bearers who shall be financial members of the association elected annually in accordance with Part 111 of these Rules shall be -
- (a) President
  - (b) Vice President
  - (c) Secretary
  - (d) Treasurer
20. The office of any member of the the Executive shall be vacated -
- (a) If he becomes bankrupt or suspends payment or compounds with his creditors, or
  - (b) If he be found lunatic or becomes of unsound mind or becomes so mentally or physically infirm as to be incapable of attending to the business of the Association, or
  - (c) If he absents himself for the Meeting of the Executive for a continuous period of six months without special leave of absence from the Executive and the Executive resolves that his office be vacated, or,
  - (d) If by notice in writing to the Association he resigns his office, or
  - (e) If he ceases to be a member of the Association, or
  - (f) If he shall have failed to pay all subscriptions due by him to the Association for a space of one month after the date on which the same should have been paid, or
  - (g) If he shall have been called upon to resign by a

21. (a) Any office which is vacant for any reason may be filled by the Executive provided that Section 10 Subsection (d) of these rules be observed by an appointment to fill a casual vacancy.
- (b) An office bearer appointed to fill a casual vacancy shall retire at the Annual General Meeting next ensuing and shall be eligible for re-election.

PART V

EXECUTIVE COMMITTEE

22. The Association shall be governed in all matters by the Executive.
23. Executive meetings shall be convened by the President or on request of two other members of the Executive..
24. Five members of the Executive personally present shall constitute a quorum provided that any two must be office bearers as defined in Part IV Section 19 of these rules.
25. The Executive Committee shall have power -
  - (a) to hold such other meetings as it deems fit
  - (b) to appoint from its officers or any other member such subcommittees with or without specified powers and duties as it deems advisable. Any subcommittees so appointed shall be responsible to the Executive and shall only act within the authority and for the period approval by the Executive.
  - (c) to raise funds for the purpose of fulfilling the objects of the Association by any lawful means it deems expedient.
  - (d) subject to Part VI Sections 39,40,41,,and 42 of these rules to authorise expenditure.
  - (e) to make by-laws for the good management of the Association within the limits of the Constitution and Rules and to alter add to, rescind, or repeal any or all of such by-laws.

PART VI

SECRETARY - TREASURER - AUDITOR

Division A - The Secretary

26. The Secretary shall -
  - (a) Be an office bearer of the Association and a member of the Executive
  - (b) Carry out such duties as are imposed on him by these rules or the Executive
  - (c) Supply the Treasurer with such information as is necessary to enable him to carry out his duties
  - (d) Keep a register of the names of members

Division B - The Treasurer

27. The Treasurer shall -
  - (a) Be an office bearer of the Association and a member of the Executive.

- (b) Keep true and comprehensive records in the English language of all monies due to and received by him and all monies paid by him on behalf of the Association.
- (c) Carry out such duties as are imposed on him by these Rules or by the Executive.
- (d) Submit all or any financial records to the Auditor
  - (i) upon demand by the Executive
  - (ii) upon request by the Auditor and he shall give such information as is required of him by the Auditor.
- (e) Observe the Rules relating to Finance in carrying out his Executive duties.

Division C - The Auditor

28. The Auditor shall -

- (a) Not be a member of the Executive of the Association
- (b) Report to the members of the Association as to every Balance Sheet and Statement of Income and expenditure laid before the Association in General Meeting during his term of office and shall state in the report whether, in his opinion -
  - (i) the balance sheet and statement of income and expenditure are properly drawn up and so on to give a true and fair view of the state of the Association's affairs.
  - (ii) the accounting and other records (including registers) examined by him are properly kept.
- (c) Have a right of access at all times to the accounting and other records, including registers of the Association and is entitled to require from the officers such information and explanation as he desires for the audit.
- (d) Be entitled to attend any general meeting of the Association and to receive all notices of and other communications relating to any general meeting which any member is entitled to receive and to be heard at any general meeting which he attends on any part of the business of the meeting which concerns him as an auditor.
- (e) Retire at each Annual General Meeting and be eligible for re-election.

PART V11

FINANCE

- 29. The Association shall be conducted as a non-profit organisation for its members and no part of the Association's Accumulated funds or assets may be distributed in any way whatsoever or used except for the purpose of fulfilling the Association's objects.
- 30. The Executive shall be responsible for all finances of the Association and authorise all expenditure before payment.

PART 1

INTERPRETATION

1. In these Rules unless the context otherwise requires -

"the Association" means the GWALWA...DARANIKI.....  
Association

"the Executive" means the Executive Committee of  
the Association

"member" means a member of the Association unless  
otherwise stated

"Financial Year" means the twelve calendar months  
commencing on the 1st day of April of one year and  
ending on the 31st day of March of the ensuing year

"time" as regards meeting shall mean date and hour

"Aborigine" means any person of Aboriginal or  
Torres Strait Islander descent who identifies as an  
Aborigine or Islander and is accepted as such by the  
community with which he is associated.  
Words in masculine gender shall include the feminine and  
words in the singular number shall include the plural.

2. (a) If any circumstances arise for which no provision  
made by these Rules, or
- (b) If there arises any reasonable doubt as to the  
interpretation of the Rules in any circumstances,  
or
- (c) If there is any doubt as to the correct procedure  
to be adopted on any occasion,

the Executive having regard to the rules in existence  
may decide the matter and may direct what shall be done  
in each particular instance or may interpret the Rules  
or direct what shall be done in a particular case.

PART 11

MEMBERSHIP

3. The following persons shall be eligible for membership -

- (a) All Aborigines residing in the Northern Territory.
- (b) Any Non - Aboriginal the Executive may decide to  
admit providing that total membership remain  
not less than ninety percent Aborigines.

4. The Executive may decide to fine or expel any member  
who breaks by laws made under Section 25 (e).

5. A member shall be entitled to receive notice of all  
general meetings.

6. The annual subscription payable by each member shall be  
determined by the Executive provided that it shall be not  
less than 10c not more than \$2.00.

7. A motion relating to Association subscriptions passed at a  
general meeting or special meeting called for the purpose  
and convened in accordance with those rules shall take  
procedure over any Executive decision.



31. Cheques and withdrawals shall be signed by the Treasurer and one Aboriginal member of the Executive.
32. The Treasurer may retain such sum as is determined by the Executive for petty cash but such money shall remain the property of the Association.
33. All monies received by the Association shall be deposited to the credit of the Association in a bank account to be entitled the GWALWA DARANIKI Association.

PART V111 ALTERATION TO RULES AND CONSTITUTION

34. The Rules and Constitution excepting Section 29 and Section 41 and 42 may be amended altered added to or rescinded at a special general meeting of the Association convened in accordance with these Rules.
35. Section 29 Section 40 and 41 shall not be amended altered added to or rescinded at any way whatsoever.
37. No adendment shall be made unless passed by two thirds majority of financial members personally present at such special general meeting.

PART 1X DISSOLUTION

38. The Association shall be dissolved
  - (a) upon ceasing to operate continuously; or
  - (b) upon special resolution of the Association at a special general meeting convened in accordance with Section 11 of these Rules provided that in the event of the membership falling below a quorum under Section 13 a majority of two thirds of the members present shall constitute that resolution valid.
39. In the event of dissolution, the Executive then being in office shall be appointed the liquidators of the Association.
40. After repayment of all debts and liabilities including costs of liquidation and repayment of members loans, all assets including properties, stocks on hand, plant chattles utensils and other goods shall be sold by private treaty, public auction or tender for the best price and the liquidator shall invest the balance of the funds in community facilities.
41. No proceeds of liquidation shall be payable to members or their heirs excepting repayment of debts on loan monies.

PART X MISCELLANEOUS

42. Common Seal
  - (a) upon incorporation the Association shall have leave a common seal in a form to be approved by the Executive.
  - (b) the seal shall not be affixed to any deed, document instrument or transfer except in the presence of at least three members of the Executive (one of whom shall be the Secretary) who shall respectively testify by their signature that the seal has been so affixed.