CONSTITUTION

As Amended and Adopted May 2008
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PART 1 - PRELIMINARY

1 NAME

The name of the incorporated association is the Cancer Council of the Northern Territory Incorporated, hereinafter called 'CCNT'.

2 OBJECTS AND PURPOSES

The objects and purposes of the Association are:

(a) To engage in programs for the education of the general public, health professionals or any other group as appropriate, throughout the Northern Territory in any matter related to cancer;

(b) To provide, disseminate and ensure access to information on the most evidence based contemporary methods of treatment of cancer and to encourage and support the provision and extension of such methods in the Northern Territory;

(c) To provide assistance to and amenities for those affected by a cancer diagnosis in the Northern Territory;

(d) To encourage and support research into any aspect of cancer or into any problem which appears to be related;

(e) To provide a forum for the exchange of ideas and information about cancer;

(f) To identify areas of need and to initiate action to satisfy those needs;

(g) To liaise and cooperate with similar organisations elsewhere in Australia and overseas;

(h) To make representation on behalf of members and clients of the CCNT to Government and other Authorities;

(i) To raise funds by means of fees, subscriptions, donations, gifts, bequests and otherwise for the purpose of fulfilling the objectives of the CCNT;

(j) To manage the finances of the CCNT to ensure viability of the association and for the achievement of the objectives.
3 MINIMUM NUMBER OF MEMBERS

The Association must have at least ten (10) members.

4 DEFINITIONS

In this Constitution, unless the contrary intention appears –

Act means the Associations Act and regulations made under that Act;

Board means the Management Board of the Association;

Director means member of the Management Board;

Entity means any body or individual;

Financial institution means an authorised deposit-taking institution within the meaning of section 5 of the Banking Act 1959 (Cth);

General meeting means a general meeting of members convened in accordance with clause 46;

Member means a member of the Association;

Register of members means the register of the Association’s members established and maintained under section 34 of the Act;

Region means one of the three designated areas of the NT known as: Top End; Centrallian and Katherine regions;

Special resolution means a resolution notice of which is given under clause 49 and passed in accordance with section 37 of the Act.
PART 2 – CONSTITUTION AND POWERS OF ASSOCIATION

5 POWERS OF ASSOCIATION

5.1 For achieving its objects and purposes, the Association has the powers conferred by sections 11 and 13 of the Act.

5.2 Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may—

(a) acquire, hold and dispose of real or personal property;

(b) open and operate accounts with financial institutions;

(c) invest its money in any security in which trust monies may lawfully be invested;

(d) raise and borrow money on the terms and in the manner it considers appropriate;

(e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

(f) appoint agents to transact business on its behalf; and

(g) enter into any other contract it considers necessary or desirable.

6 EFFECT OF CONSTITUTION

This Constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this Constitution and agreed to be bound by it.

7 INCONSISTENCY BETWEEN CONSTITUTION AND ACT

If there is any inconsistency between this Constitution and the Act, the Act prevails.
8 ALTERING THE CONSTITUTION

8.1 The Association may alter this Constitution by special resolution but not otherwise.

8.2 If the Constitution is altered, the public officer must ensure compliance with section 23 of the Act.

PART 3 – MEMBERS

Division 1 – Membership

9 APPLICATION FOR MEMBERSHIP

A Member of CCNT shall be any person or group or corporate body which:

(a) makes written application to the Board to be a Member of CCNT, giving such details of status and functions as the Board may require and;

   (i) be proposed by one member and seconded by another member

(b) No person occupying a paid position with the CCNT shall be eligible to be a member of CCNT.

10 APPROVAL OF BOARD

10.1 The Board must consider any application made under clause 9 at the next available Board meeting and must accept or reject the application at that meeting or the next. The applicant shall be notified in writing within 14 days of the Board's decision.

10.2 If an application is rejected, the applicant may appeal against the decision by giving notice to the Director Cancer Services within 14 days after being advised of the rejection.

10.3 If an applicant gives notice of an appeal against the rejection of the application, the Board must reconsider the application at the next Board meeting after receipt of the notice of appeal.

10.4 If after reconsidering an application the Board reaffirms its decision to reject the application, the decision is final.
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11 JOINING FEE

11.1 If an application for membership is approved by the Board, the applicant becomes a member on payment of the joining fee.

11.2 The joining fee is either –

(a) a pro rata annual fee based on the remaining part of the financial year; or

(b) an amount determined from time to time by the Board.

12 ANNUAL MEMBERSHIP FEES

12.1 The annual membership fee is a fixed amount determined from time to time by the Board.

12.2 The annual membership fee will be supplemented by a fee determined from time to time by the Board.

12.3 Each member must pay the fixed annual membership fee to the Chief Executive Officer prior to the annual general meeting.

12.4 A member whose annual membership fees and supplementary fees are not paid within 3 months after the due date ceases to be a member unless the Board determines otherwise.

13 LIFE MEMBERSHIP

13.1 Life Membership may be conferred at annual general meeting.

13.2 Nomination for election to Life Membership must be in writing including such information as is reasonably required for the Board to endorse or reject the nomination.

13.3 Subsequent to endorsement the nomination will be presented to the annual general meeting for consideration where a two-thirds majority must agree to the Life Membership.

13.4 The person’s contribution to be on the basis of demonstrated extraordinary, distinctive service to cancer related activities in the Northern Territory for an extended period, and submissions shall include such detail as in the opinion of the nominating person are reasonably required for the Board to endorse or reject the nomination.
13.5 Life Membership will be honorary and holder will be entitled to all rights and privileges as a financial member.

14 PATRON

14.1 The Board may at any time appoint a Patron.

14.2 The position of Patron shall be honorary and shall not entitle the holder to vote on any matter.

Division 2 – Rights of members

15 GENERAL

15.1 Subject to clause 16.5, a member may exercise the rights of membership when its name is entered in the register of members.

15.2 A right of membership of the Association –

(a) is not capable of being transferred or transmitted to another entity; and

(b) terminates on the cessation of membership whether by dissolution, resignation or otherwise.

16 VOTING

16.1 Subject to subclause 16.5 and clause 20, each member may appoint a delegate in general meeting

16.2 A delegate must be a bona fide representative of the member.

16.3 A delegate may be independent of the member.

16.4 The Board shall be informed of the appointment of a delegate, and any subsequent alteration to such appointment by written notice signed by two representatives of the member not less than 14 days prior to the general meeting.

16.5 A member is not eligible to vote until 10 working days after his or her application has been accepted.
16.6 For the purpose of general meeting each Director shall cast one vote in addition to any vote cast on behalf of a member.

17 NOTICE OF MEETINGS AND SPECIAL RESOLUTIONS

The Chief Executive Officer must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

18 ACCESS TO INFORMATION ON ASSOCIATION

The following must be available for inspection by members:

(a) a copy of this Constitution;

(b) minutes of general meetings;

(c) annual reports and annual financial reports.

19 RAISING GRIEVANCES AND COMPLAINTS

19.1 A member may raise a grievance or complaint about a Director, the Board or another member of the Association.

19.2 The grievance or complaint must be dealt with by the procedures set out in Part 8.

20 ASSOCIATE MEMBERS

An associate member must not vote but may have other rights as determined by the Board or by resolution at a general meeting.

Division 3 – Termination, cancellation, suspension and expulsion

21 TERMINATION OF MEMBERSHIP

Membership of the Association may be terminated by –

(a) a notice of resignation addressed and posted to the Association or given personally to the General Manager or a Director;
(b) non-payment of the annual membership fee within the time allowed under clause 12.4; or

(c) expulsion in accordance with this Division.

22 CANCELLATION OF MEMBERSHIP

If a member ceases to live or operate in the Northern Territory the Board must cancel the member’s membership.

23 SUSPENSION OR EXPULSION OF MEMBERS

23.1 If the Board considers that a member should be suspended or expelled because its conduct is detrimental to the interests of the Association, the Board must give notice of the proposed suspension or expulsion to the member.

23.2 The notice must –

(a) be in writing and include –

(i) the time, date and place of the Board meeting at which the question of that suspension or expulsion will be decided; and

(ii) the particulars of the conduct; and

(b) be given to the member not less than 30 days before the date of the Board meeting referred to in paragraph (a)(i).

23.3 At the meeting, the Board must afford the member a reasonable opportunity to be heard or to make representations in writing.

23.4 The Board may suspend or expel or decline to suspend or expel the member from the Association and must give written notice of the decision and the reason for it to the member.

23.5 Subject to clause 24, the decision to suspend or expel a member takes effect 14 days after the day on which notice of the decision is given to the member.
24 APPEALS AGAINST SUSPENSION OR EXPULSION

24.1 A member who is suspended or expelled under clause 23 may appeal against that suspension or expulsion by giving notice to the Chief Executive Officer within 14 days after receipt of the Board’s decision.

24.2 The appeal must be considered at a general meeting of the Association and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing prior to the meeting for circulation at the meeting.

24.3 The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Board to suspend or expel the member.

24.4 The member is not suspended or does not cease to be a member until the decision of the Board to suspend or expel the member is confirmed by a resolution of the members.

PART 4 – MANAGEMENT BOARD

Division 1 – General

25 ROLE AND POWERS

25.1 The business of the Association must be managed by or under the direction of a Management Board.

26.2 The Board may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a general meeting of members.

25.3 The Board may appoint and remove staff.

25.4 The Board may establish one or more subcommittees. Nominations for these subcommittees will be called for at the discretion of the Board. All appointments will be made by the Board.

26 COMPOSITION OF BOARD

26.1 The Management Board consists of –

(a) a Director to be Chairperson;
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(b) a Director to be Vice-Chairperson;

(c) Five Directors;

26.2 The Board must appoint one Director to be the Association's public officer.

27 DELEGATION

27.1 The Board may delegate to a subcommittee or staff any of its powers and functions other than –

(a) this power of delegation; or

(b) a duty imposed on the Board by the Act or any other law.

27.2 The delegation will be subject to the conditions and limitations the Board considers appropriate.

27.3 The Board may, in writing, revoke wholly or in part the delegation.

Division 2 – Tenure of Office

28 ELIGIBILITY OF DIRECTORS

28.1 A Director must be 18 years or over.

28.2 A Director must provide written agreement to the Association's Directors Code of Conduct.

28.3 Directors must be elected to the Board at an annual general meeting or appointed under clause 35.

29 NOMINATIONS FOR ELECTION TO BOARD

29.1 A person is not eligible for election to the Board unless the Chief Executive Officer receives a written nomination for that person not less than 7 days before the date of the next annual general meeting.

29.2 The nomination must be signed by –

(a) the nominator and a seconder, both of whom shall be member delegates; and

(b) the nominee to signify his or her willingness to stand for election.
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29.3 A person who is eligible for election or re-election under this clause may –

(a) propose or second himself or herself for election or re-election; and

(b) vote for himself or herself.

30 RETIREMENT OF DIRECTORS

30.1 The terms of office of the Directors (including positions of Chairperson and Vice Chairperson) are 'staggered' to ensure reasonable continuity. Elections will therefore occur annually with four director positions due for election one year and three director positions due for election in the alternate year.

(i) The Chief Executive Officer will maintain a register of director positions due for election each year.

30.2 A Director holds office until the next electoral annual general meeting relevant to their term of office as per clause 30.1 unless the Director vacates the office under clause 33 or is removed under clause 34.

(ii) The term of office for all Directors is two years.

30.3 When an election is held pursuant to Clause 35.1 (Filling Casual Vacancies) and that election for the vacancy would not otherwise have been due until the following annual general meeting, once elected, the Director shall hold office for a period of one year.

30.4 The Chairperson of the outgoing Board must preside at the annual general meeting until a new Director is elected as Chairperson.

30.5 Directors may serve consecutive terms on the Board but not exceeding five consecutive terms (total of ten years).

31 ELECTION BY DEFAULT

31.1 If the number of persons nominated for election to the Board under clause 29 does not exceed the number of vacancies to be filled, the Chairperson must declare the persons to be duly elected as Directors at the annual general meeting.

31.2 If vacancies remain on the Board after the declaration under subclause 31.1, additional nominations of Directors may be accepted from the floor of the annual general meeting.
31.3 If the nominations from the floor do not exceed the number of remaining vacancies, the Chairperson must declare those persons to be duly elected as Directors.

31.4 If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Board in accordance with clause 35.

32 ELECTION BY BALLOT

32.1 If the number of nominations exceeds the number of vacancies on the Board, ballots for those positions must be conducted.

32.2 The ballot must be conducted in a manner determined by the Board.

32.3 The person/s chosen by ballot must be declared by the Chairperson to be duly elected as Director/s of the Board.

33 VACATING OFFICE

The office of a Director becomes vacant if –

(a) the Director –

(i) is disqualified from being a Director under section 30 or 40 of the Act;

(ii) resigns by giving written notice to the Board;

(iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;

(iv) ceases to be a resident of the Territory;

(b) the member is absent from more than –

(i) 3 consecutive Board meetings; or

(ii) 3 Board meetings in the same financial year without tendering an apology to the Chairperson;
of which meetings the Director received notice and the Board has resolved to declare the office vacant.

34 REMOVAL OF DIRECTOR

34.1 The Association, through a special general meeting of members, may remove any Director before the Director’s term of office ends.

34.2 If a vacancy arises through removal under subclause 34.1 the vacancy must be filled in accordance with clause 35.

35 FILLING CASUAL VACANCY ON BOARD

35.1 If a vacancy remains on the Board after the application of clause 31 or if the office of a Director becomes vacant under clauses 33 and 34, the Board may appoint another appropriate person to fill that vacancy. The term of office for a person so appointed shall be until the next Annual General Meeting when the position shall be subject to election by the members whether or not it would otherwise have been due.

35.2 If a person who is a Director of CCNT is appointed under clause 35.1 to the position of Chairperson or Vice Chairperson, their previous directorship and associated term of office shall be deemed a casual vacancy.

35.3 However, if the office of public officer becomes vacant, a person must be appointed under section 27(5) of the Act to fill the vacancy.

Division 3 – Duties of Directors

36 COLLECTIVE RESPONSIBILITY OF BOARD

36.1 As soon as practicable after being elected to the Board, each Director must become familiar with the Act and regulations made under the Act.

36.2 The Board is collectively responsible for ensuring the Association complies with the Act and regulations made under the Act.
36.3 As soon as practicable after being elected to the Board, each Director must sign a Directors Code of Conduct agreement.

37 CHAIRPERSON AND VICE-CHAIRPERSON

37.1 Subject to subclauses 37.2 and 37.3, the Chairperson must preside at all general meetings and Board meetings.

37.2 If the Chairperson is absent from a meeting, the Vice-Chairperson must preside at the meeting.

37.3 If the Chairperson and the Vice-Chairperson are both absent, the presiding member for that meeting must be —

(a) a Director elected by the other members present if it is a general meeting; or

(b) a Director elected by the other Directors present if it is a Board meeting.

38 SECRETARY

The role of the Secretary is delegated to the Chief Executive Officer in accordance with clause 38. The Chief Executive Officer must —

(a) coordinate the correspondence of the Association;

(b) ensure minutes of all proceedings of general meetings and of Board meetings are kept in accordance with section 38 of the Act;

(c) maintain the register of members in accordance with section 34 of the Act;

(d) unless the members resolve otherwise at a general meeting — have custody of all books, documents, records and registers of the Association, other than those required by clause 39.5 to be in the custody of the Treasurer; and

39 TREASURER

39.1 The role of the Treasurer is delegated to the Chief Executive Officer in accordance with clause 38. The Chief Executive Officer must —
(a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association;

(b) bank all moneys received into the account of the Association within a reasonable time after receipt;

(c) make any payments ratified by the Board or by a general meeting of the Association from the Association's funds; and

(d) ensure cheques are signed in accordance with instruction from the Board.

39.2 The Chief Executive Officer must ensure the accounting records of the Association are kept in accordance with section 41 of the Act.

39.3 The Chief Executive Officer must coordinate the preparation of the Association's annual statement of accounts.

39.4 If directed to do so by the Chairperson, the Chief Executive Officer must submit to the Board a report, balance sheet or financial statement in accordance with that direction.

39.5 The Chief Executive Officer has custody of all securities, books and documents of a financial nature and accounting records of the Association unless the members resolve otherwise at a general meeting.

40 PUBLIC OFFICER

40.1 The public officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act.

40.2 The public officer must keep a current copy of the Constitution of the Association.

PART 5 – MEETINGS OF MANAGEMENT BOARD

41 FREQUENCY AND CALLING OF MEETINGS

41.1 The Board must meet together for the conduct of business not less than 6 times in each financial year.
41.2 The Chairperson, or at least half the Directors, may at any time convene a special meeting of the Board.

41.3 A special meeting may be convened to deal with an appeal under clause 24.

42 VOTING AND DECISION MAKING

42.1 Each Director present at the meeting has a deliberative vote.

42.2 A question arising at a Board meeting must be decided by a majority of votes.

42.3 If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.

43 QUORUM

For a Board meeting 4 Directors constitute a quorum.

44 PROCEDURE AND ORDER OF BUSINESS

44.1 The procedure to be followed at a Board meeting must be determined from time to time by the Board.

44.2 The order of business may be determined by the Directors present at the meeting.

44.3 Only the business for which the meeting is convened may be considered at a special meeting.

45 DISCLOSURE OF INTEREST

45.1 A Director who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Association must disclose the nature and extent of the interest to the Board in accordance with section 31 of the Act.

46.2 The Chief Executive Officer must record the disclosure in the minutes of the meeting.

45.3 The Chairperson must ensure a Director who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.
PART 6 – GENERAL MEETINGS

46 CONVENCING GENERAL MEETINGS

46.1 The Association must hold its first annual general meeting within 18 months after its incorporation.

46.2 The Association must hold all subsequent annual general meetings within 5 months after the end of the Association’s financial year.

46.3 The Board –

(a) may at any time convene a special general meeting;

(b) must, within 30 days after the Chief Executive Officer receives a notice under clause 24.1, convene a special general meeting to deal with the appeal to which the notice relates; and

(c) must, within 30 days after it receives a request under clause 47.1, convene a special general meeting for the purpose specified in that request.

47 SPECIAL GENERAL MEETINGS

47.1 Half the number of members constituting a quorum for a general meeting may make a written request to the Board for a special general meeting.

47.2 The request must –

(a) state the purpose of the special general meeting; and

(b) be signed by the members making the request.

47.3 If the Board fails to convene a special general meeting within the time allowed –

(a) for clause 46.3(b) – the appeal against the decision of the Board is upheld; and

(b) for clause 46.3(c) – the members who made the request may convene a special general meeting as if they were the Board.
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47.4 If a special general meeting is convened under subclause 47.3(b), the Association must meet any reasonable expenses of convening and holding the special general meeting.

47.5 The Chief Executive Officer must give to all members not less than 14 days notice of a special general meeting.

47.6 The notice must specify –

(a) when and where the meeting is to be held; and

(b) the particulars of and the order in which business is to be transacted.

48 ANNUAL GENERAL MEETING

48.1 The Chief Executive Officer must give to all members not less than 14 days notice of an annual general meeting.

48.2 The notice must specify –

(a) when and where the meeting is to be held; and

(b) the particulars of and the order in which business is to be transacted.

48.3 The order of business for each annual general meeting is as follows:

(a) first – the endorsement of the previous annual general meeting minutes as an accurate record of that meeting;

(b) second – presentation of the Chairperson’s report

(c) third - consideration of the accounts and reports of the Board;

(d) fourth – the election of Directors at electoral annual general meetings;

(e) fifth – any other business requiring consideration by the Association at the meeting.

49 SPECIAL RESOLUTIONS

49.1 A special resolution may be moved at any general meeting of the Association.
49.2 The Chief Executive Officer must give all members not less than 14 days notice of the meeting at which a special resolution is to be proposed.

49.3 The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

50 NOTICE OF MEETINGS

50.1 The Chief Executive Officer must give notice under this Part by –

(a) serving it on a member personally; or

(b) sending it by post or email to a member at the address of the member appearing in the register of members.

50.2 If a notice is sent by post under subclause 50.1(b), sending of the notice is taken to have been properly effected if the notice is addressed and posted to the member by ordinary prepaid mail.

51 QUORUM AT GENERAL MEETINGS

At a general meeting 10 member delegates present in person or by telephone or video connection constitutes a quorum.

52 LACK OF QUORUM

52.1 If within 30 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present –

(a) for an annual general meeting or special general meeting convened under clause 46.3(a) – the meeting stands adjourned to the same time on the same day in the following week and at a venue to be determined;

(b) for a meeting convened under clause 46.3(b) – the members who are present in person or by proxy may proceed with hearing the appeal for which the meeting is convened; or

(c) for a meeting convened under clause 46.3(c) – the meeting lapses.
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52.2 If within 30 minutes after the time appointed by subclause 52.1(a) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person, by phone or videoconference or by proxy may proceed with the business of that general meeting as if a quorum were present.

52.3 The Chairperson may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that general meeting from time to time and from place to place.

52.4 There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

52.5 If a general meeting is adjourned for a period of 30 days or more, the Chief Executive Officer must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

53 VOTING

53.1 Subject to clauses 16.5 and 20, each member present in person or by proxy and each Director is entitled to a deliberative vote at general meeting.

53.2 At a general meeting –

(a) an ordinary resolution put to the vote is decided by a majority of votes made in person or by proxy; and

(b) a special resolution put to the vote is passed if three-quarters of the members who are present in person or by proxy vote in favour of the resolution.

53.3 A poll may be demanded by the Chairperson or by 3 or more members present in person or by proxy.

53.4 If demanded, a poll must be taken immediately and in the manner the Chairperson directs.

54 PROXIES

A member may appoint in writing another member to be the proxy of the appointing member to attend and vote on behalf of the appointing member at any general meeting.
PART 7 – FINANCIAL MANAGEMENT

55 FINANCIAL YEAR

The financial year of the Association is the period 12 months ending on 31 December.

56 FUNDS AND ACCOUNTS

56.1 The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association’s revenue is deposited.

56.2 Subject to any restrictions imposed by the Association at a general meeting, the Board may approve expenditure on behalf of the Association within the limits of the budget.

56.3 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by in accordance with the Board’s instructions.

56.4 All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt or as soon as practicable after that day.

56.5 With the approval of the Board, the Chief Executive Officer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

56.6 With the approval of the Board the Chief Executive officer may secure a loan, including authority to establish a line of credit via a credit card, to meet the operational needs of the organisation. Such loan application is to be signed in accordance with the boards instructions

57 ACCOUNTS AND AUDITS

The responsibility of the Board under clause 36.2 for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to –

(a) the keeping of accounting records;

(b) the preparation and presentation of the Association’s annual statement of accounts; and

(c) the auditing of the Association’s accounts.
PART 8 – GRIEVANCE AND DISPUTES

58  GRIEVANCE AND DISPUTES PROCEDURES

58.1 This clause applies to disputes between –

(a) a member and another member; or

(b) a member and the Board.

58.2 Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.

58.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.

58.4 The mediator must be –

(a) a person chosen by agreement between the parties; or

(b) in the absence of agreement –

(i) for a dispute between a member and another member – a person appointed by the Board; or

(ii) for a dispute between a member and the Board – a person who is a mediator appointed or employed by the department administering the Act.

58.5 A member of the Association can be a mediator.

58.6 The mediator cannot be a party to the dispute.

58.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

58.8 The mediator, in conducting the mediation, must –

(a) give the parties to the mediation process every opportunity to be heard;
(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.

58.9 The mediator must not determine the dispute.

58.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 9 – MISCELLANEOUS

59 COMMON SEAL

59.1 The common seal of the Association must not be used without the express authority of the Board and every use of that common seal must be recorded by the Chief Executive Officer.

59.2 The affixing of the common seal of the Association must be witnessed by any 2 of the following:

(a) The Chairperson

(b) The Public Officer

(c) The Chief Executive Officer

59.3 The common seal of the Association must be kept in the custody of the Chief Executive Officer.

60 DISTRIBUTION OF SURPLUS ASSETS ON WINDING UP

60.1 If on the winding up or dissolution of the Association, and after satisfaction of all its debts and liabilities, there remains any assets, the assets must not be distributed to the members or former members.

60.2 The surplus assets must be given or transferred to another incorporated association incorporated that —

(a) Has similar objects or purposes

(b) Is not carried on for profit or gain to its individual members
CONSTITUTION

(c) Is determined by resolution of the members


The Constitution of May 2008 has been adopted in accordance with a resolution of an Annual General Meeting and this document is signed for and on behalf of the Cancer Council NT Inc by:

R - Sebastian Pillai

Date: 6.03.12

Public Officer: Romola Sebastian Pillai