

NORTHERN TERRITORY OF AUSTRALIA
ASSOCIATIONS INCORPORATION AMENDMENT ACT 1989

No. 46 of 1989

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NORTHERN TERRITORY OF AUSTRALIA

No. 46 of 1989

AN ACT

to amend the *Associations Incorporation Act*

[Assented to 20 September 1989]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent—as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Associations Incorporation Amendment Act 1989*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Associations Incorporation Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 4(1) of the Principal Act is amended by inserting in the definition of "prescribed property", after "such property", the words ", but does not include -

- (c) property acquired from the Territory or Commonwealth for full consideration using funds that were not, directly or indirectly, obtained under a grant from the Territory or Commonwealth; or

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- (d) an item of property, being personalty, that has a total value of not more than \$2,000 or such other amount as the Minister may prescribe by notice in the *Gazette*".

5. REPEAL OF SECTION 9B

Section 9B of the Principal Act is repealed.

6. POWER TO BORROW MONEY AND GIVE SECURITIES

Section 11(b) of the Principal Act is amended by omitting "secure the repayment" and substituting "subject to section 26A, secure the repayment".

7. DISTRIBUTION OF SURPLUS ASSETS

Section 22(1) of the Principal Act is amended by omitting "subsection (1)" and substituting "subsection (2)".

8. PRESCRIBED PROPERTY IN WINDING-UP

Section 22A of the Principal Act is amended by omitting "Prescribed" and substituting "Except with the consent in writing of the Minister or, where the prescribed property is a lease under the *Special Purposes Leases Act*, the consent required under section 6 of that Act, prescribed".

9. POWER TO SELL PROPERTY VESTED IN REGISTRAR

Section 23D of the Principal Act is amended -

- (a) by inserting in subsection (1) after "the Registrar may" the words ", subject to section 26A,"; and
- (b) by omitting from subsection (2) "The Registrar may" and substituting "Subject to section 26A, the Registrar may".

10. REPEAL OF SECTION 23H

Section 23H of the Principal Act is repealed.

11. REPEAL OF SECTION 25K

Section 25K of the Principal Act is repealed.

12. REPEAL AND SUBSTITUTION

Section 25AQ of the Principal Act is repealed and the following substituted:

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"25AQ. PRESCRIBED PROPERTY IN WINDING-UP

"Except with the consent in writing of the Minister or, where the prescribed property is a lease under the *Special Purposes Leases Act*, the consent required under section 6 of that Act, prescribed property is not an asset in the winding-up of an incorporated trading association."

13. NEW SECTION

The Principal Act is amended by inserting in Part IV, before section 26, the following:

"26A. PRESCRIBED PROPERTY

"(1) Except with the consent in writing of the Minister or, where the prescribed property is a lease under the *Special Purposes Leases Act*, the consent required under section 6 of that Act, and subject in either case to such conditions as the relevant Minister may impose, an incorporated association or incorporated trading association shall not dispose of, charge, or otherwise deal with prescribed property otherwise than being disposed of to, or being charged as security for a loan or other benefit by, the Territory.

"(2) It is a condition to every consent given under subsection (1) that, except as otherwise authorized in writing by the Minister, -

- (a) property exchanged for prescribed property; or
- (b) property acquired wholly or partly from funds realized on the sale or other disposal of prescribed property,

is prescribed property.

"(3) Except as provided in sections 22A and 25AQ, any dealing with prescribed property in contravention of subsection (1) is void and of no effect.

"(4) Where prescribed property was acquired wholly or partly from or using funds obtained under a grant from the Commonwealth, the Minister shall not give his or her consent under subsection (1) until he or she has given the Commonwealth reasonable notice of his or her intention to give consent and has considered any submissions made by the Commonwealth within the time limited by that notice.

"(5) Each incorporated association and incorporated trading association shall keep and maintain a register of prescribed property."