



# **Aboriginal Councils and Associations Regulations**

**Statutory Rules 1978 No. 137 as amended**

made under the

*Aboriginal Councils and Associations Act 1976*

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taking into account amendments up to SR 1984 No. 225

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## **1 Citation** [see Note 1]

These Regulations may be cited as the Aboriginal Councils and Associations Regulations.

## **2 Interpretation**

- (1) In these Regulations, *the Act* means the *Aboriginal Councils and Associations Act 1976*.
- (2) In these Regulations, a reference to a form by number shall be read as a reference to the form so numbered in Schedule 1.

## **3 Formal requirements — Schedule 2**

The Registrar may refuse to accept an application or notice that, under the Act, is required to be filed or otherwise lodged with the Registrar unless it is in accordance with the requirements set out in Schedule 2.

## **4 Requirements relating to forms**

- (1) A form set out in Schedule 1 shall be completed in accordance with the directions specified in the form.
- (2) Strict compliance with a form set out in Schedule 1 is not necessary and substantial compliance is sufficient.

**5 Form of application to constitute an Aboriginal Council area**

An application under Part III of the Act for the constitution of an Aboriginal Council area shall be in accordance with Form 1.

**6 Request to alter functions of an Aboriginal Council**

A request by an Aboriginal Council under subsection 33 (1) of the Act to alter the functions of the Council shall be in accordance with Form 2.

**7 Notice of alteration of Rules of an Aboriginal Council**

A notice under subsection 35 (1) of the Act of the alteration of the Rules of an Aboriginal Council shall be in accordance with Form 3.

**8 Form of notice of name and address of public officer**

A notice under subsection 37 (1) or 57 (1) of the Act of the full name and official address of the public officer of an Aboriginal corporation shall be in accordance with Form 4.

**9 Form of notice of change of public officer**

A notice under subsection 37 (2) or 57 (2) of the Act of a change of the official address of the public officer of an Aboriginal corporation shall be in accordance with Form 5.

**10 Form of application for incorporation of an Aboriginal association**

An application under subsection 43 (1) of the Act for the incorporation of an Aboriginal association shall be in accordance with Form 6.

**11 Form of certificate of incorporation of an Aboriginal association**

- (1) A certificate of incorporation of an Aboriginal association under paragraph 45 (1) (a) of the Act shall be in accordance with Form 7.
- (2) Where a certificate referred to in subregulation (1) is issued to an association incorporated under the law of a State or a Territory, the Registrar shall cause notice of incorporation under the Act to be given to the proper officer of that State or Territory having functions in relation to the incorporation of bodies corporate in that State or Territory.

**12 Form of notice of alteration of objects or Rules of an Incorporated Aboriginal Association**

- (1) A notice under subsection 52 (1) of the Act of the alteration of the objects of an Incorporated Aboriginal Association shall be in accordance with Form 8.
- (2) A notice under subsection 54 (1) of the Act of the alteration of the Rules of an Incorporated Aboriginal Association shall be in accordance with Form 8.

**13 Forms relating to changes of name**

- (1) An application under subsection 53 (1) of the Act for approval to change the name of an Incorporated Aboriginal Association shall be in accordance with Form 9.
- (2) A notice under subsection 53 (3) of the Act that an Incorporated Aboriginal Association has changed its name to a new name shall be in accordance with Form 10.
- (3) A certificate of incorporation issued to an Incorporated Aboriginal Association in a new name by the Registrar under subsection 53 (4) of the Act shall be in accordance with Form 11.

**13A Form of notice of resolution for voluntary winding up**

A notice under subsection 64 (2) of the Act of the passing of a resolution for the voluntary winding up of an Incorporated Aboriginal Association shall be in accordance with Form 12.

**14 Inspection of documents**

The Registrar may permit a person at all reasonable times to inspect all or any of the documents filed or otherwise lodged with the Registrar in respect of an Aboriginal corporation.

**15 Certified copy of certificate of incorporation**

The Registrar may issue a certified copy of a certificate of incorporation on receipt of the fee specified in Schedule 3.

**16 Fees**

The fees set out in Schedule 3 shall, in respect of the matters to which they relate, be paid to the Registrar.

**17 Prescribed qualifications**

For the purposes of subsections 38 (3), 39 (1), 59 (3) and 60 (1) of the Act, a person having the prescribed qualifications is a person who is, or who is entitled to be, a registered company auditor under the law of a State or Territory.

**18 Striking off and dissolution of defunct Incorporated Aboriginal Associations**

- (1) The provisions of the *Companies Act 1981* that relate to the cancellation of the registration, or to the dissolution, of a company that is not carrying on business or is not in operation apply, so far as they are capable of application, to and in relation to:
  - (a) the striking off the Register of Incorporated Aboriginal Associations of the name of an Incorporated Aboriginal Association that is not carrying on its activities or is not in operation; and
  - (b) the dissolution of such an Association.

- (2) In the application of the provisions referred to in subregulation (1):
- (a) a reference to a company shall be read as a reference to an Incorporated Aboriginal Association;
  - (b) a reference to the Commission shall be read as a reference to the Registrar of Aboriginal Corporations;
  - (c) a reference to the cancellation of the registration of a company shall be read as a reference to the striking off the Register of Incorporated Aboriginal Associations of the name of an Incorporated Aboriginal Association;
  - (d) a reference to the reinstatement of the registration of a company shall be read as a reference to the restoration of the name of an Incorporated Aboriginal Association to the Register of Incorporated Aboriginal Associations;
  - (e) a reference to the Court shall be read as a reference to the Federal Court of Australia;
  - (f) a reference to the registered office of a company shall be read as a reference to the official address of the public officer of an Incorporated Aboriginal Association;
  - (g) a reference to the sending of a letter or notice to each of the persons who subscribed the memorandum of a company addressed to him at the address mentioned in the memorandum shall be read as a reference to the sending of a letter or notice to each of the persons who constituted the committee of an association that was incorporated as an Incorporated Aboriginal Association, addressed to him at the address mentioned in the application for incorporation of the association;
  - (h) a reference to property within or outside the Australian Capital Territory shall be read as a reference to property wherever located;
  - (j) a reference to the directors of a company shall be read as a reference to the members of the Governing Committee of an Incorporated Aboriginal Association; and
  - (k) a reference to the Minister shall be read as a reference to the Minister for the time being administering the relevant provisions of the *Aboriginal Councils and Associations Act 1976*.



**Form 2 Request to alter functions of an  
Aboriginal Council**

(regulation 6)

Commonwealth of Australia

*Aboriginal Councils and Associations Act 1976*

To the Registrar of Aboriginal Corporations.

You are requested under section 33 of the Act to alter the functions of \_\_\_\_\_, an Aboriginal Council established under Part III of the Act, as follows:\*

A statement in support of the proposed alteration is attached.†

Dated \_\_\_\_\_ 19 \_\_\_\_ .  
(*Aboriginal Council*)‡

\* Insert particulars of proposed alteration.

† Include in statement details of matters referred to in subsection 33 (2) of the Act.

‡ Insert attestation clause for use of the common seal of the Council.

**Form 3 Notice of alteration of rules of an  
Aboriginal Council**

(regulation 7)

Commonwealth of Australia

*Aboriginal Councils and Associations Act 1976*

To the Registrar of Aboriginal Corporations.

I, \_\_\_\_\_ of \_\_\_\_\_  
the public officer of \_\_\_\_\_, \_\_\_\_\_ an  
Aboriginal Council established under Part III of the Act, hereby file,

under subsection 35 (1) of the Act, a copy of an alteration of the Rules of the Council made on 19

Dated 19 .  
(Signature)

**Form 4 Notice of name and address of public officer**

(regulation 8)

Commonwealth of Australia

*Aboriginal Councils and Associations Act 1976*

To the Registrar of Aboriginal Corporations.

Notice is hereby given under subsection 37 (1)/57 (1)\* of the Act that the full name and official address of the public officer of the Council/Association\* is:

Dated 19 .  
(Aboriginal Council/Governing Committee  
of Incorporated Aboriginal Association)†

\* Strike out whichever is inapplicable.

† Insert appropriate attestation clause for use of the common seal of the Aboriginal Corporation.

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**Form 5      Notice of change of address of public officer**

(regulation 9)

Commonwealth of Australia

*Aboriginal Councils and Associations Act 1976*

To the Registrar of Aboriginal Corporations.

Notice is hereby given under subsection 37 (2)/57 (2)\* of the Act that the official address for the public officer of the Council/Association\* has been changed from to .

Dated 19 .

(*Aboriginal Council/Governing Committee  
of Incorporated Aboriginal Association*)†

\* Strike out whichever is inapplicable.

† Insert appropriate attestation clause for use of the common seal of the Aboriginal Corporation.

**Form 6      Application for the incorporation of an Aboriginal association**

(regulation 10)

Commonwealth of Australia

*Aboriginal Councils and Associations Act 1976*

To the Registrar of Aboriginal Corporations.

The committee of the Aboriginal association known as hereby applies for the incorporation of that association under Part IV of the Act under the name of\*

The association has the following objects:

The members of the association are/are not† liable to contribute towards the payment of the debts and liabilities of the association.‡

The names and addresses of the persons who constitute the committee of the association are as follows:

The activities of the association are/will be carried on at the following place/places†:

A copy of the Rules by which the affairs of the association are to be regulated is filed with this application.

A copy of the certificate of incorporation of the association otherwise than under the Act is filed with this application.§

Dated 19 .

*(Signatures of each member of the committee)*

\* Insert proposed name with the words “Aboriginal Corporation” or “Torres Strait Islanders Corporation”, as the case requires.

† Strike out whichever is inapplicable.

‡ If so, set out extent of liability.

§ To be included if the association is incorporated under another law of a State or Territory.

## **Form 7 Certificate of incorporation of an Aboriginal association**

(subregulation 11 (1))

Commonwealth of Australia

### *Aboriginal Councils and Associations Act 1976*

I, , the Registrar of Aboriginal Corporations, in pursuance of paragraph 45 (1) (a) of the Act, hereby certify that\*

has this day been incorporated under the Act.

Dated 19 .

*(Registrar)*

\* Insert name of Aboriginal Association.

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**Form 8 Notice of alteration of objects or rules of  
an incorporated Aboriginal association**  
(regulation 12)

Commonwealth of Australia

*Aboriginal Councils and Associations Act 1976*

To the Registrar of Aboriginal Corporations.

I, \_\_\_\_\_ of \_\_\_\_\_, the  
public officer of \_\_\_\_\_, an Association incorporated  
under the Act hereby file, under subsection 52 (1)/54 (1)\* of the Act, a  
copy of an alteration of the objects of the Association/a notification of an  
alteration of the Rules of the Association\* made on \_\_\_\_\_ 19 \_\_\_\_.

A copy of the alteration of the Rules is filed with this notice.†

Dated \_\_\_\_\_ 19 \_\_\_\_.

(Signature)

\* Strike out whichever is inapplicable.

† Strike out if inapplicable.

**Form 9 Application for approval of a new name  
for an incorporated Aboriginal  
association**  
(subregulation 13 (1))

Commonwealth of Australia

*Aboriginal Councils and Associations Act 1976*

To the Registrar of Aboriginal Corporations.

The Governing Committee of \_\_\_\_\_, an Association  
incorporated under the Act, hereby applies under subsection 53 (1) of the  
Act for approval to change the name of the Association to\* .

Dated 19 .

(*Governing Committee of  
Incorporated Aboriginal Association*)†

\* Insert proposed new name including the words “Aboriginal Corporation” or “Torres Strait Islanders Corporation”, as the case requires.

† Insert appropriate attestation clause for use of the common seal of the Incorporated Aboriginal Association.

**Form 10 Notice of a new name for an incorporated  
Aboriginal association**

(subregulation 13 (2))

Commonwealth of Australia

*Aboriginal Councils and Associations Act 1976*

To the Registrar of Aboriginal Corporations.

I, the public officer of , an Association  
incorporated under the *Aboriginal Councils and Associations Act 1976*,  
hereby give notice under subsection 53 (3) of the Act that, on  
19 , the members of the Association resolved  
to change the name of the Association to .

Dated 19 .

(*Signature*)

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**Form 11 Certificate of incorporation of an  
Aboriginal association on change of  
name**

(subregulation 13 (3))

Commonwealth of Australia

*Aboriginal Councils and Associations Act 1976*

I, \_\_\_\_\_, the Registrar of Aboriginal Corporations, in pursuance of subsection 53 (4) of the Act, hereby certify that the Association incorporated under the Act on 19 \_\_\_\_\_ under the former name of \_\_\_\_\_ is now incorporated under the Act under the new name of \_\_\_\_\_.

Dated \_\_\_\_\_ 19 \_\_\_\_\_.

Registrar

**Form 12 Notice of resolution for voluntary  
winding up**

(regulation 13 A)

Commonwealth of Australia

*Aboriginal Councils and Associations Act 1976*

To the Registrar of Aboriginal Corporations.

I, the public officer of \_\_\_\_\_, an Association incorporated under the *Aboriginal Councils and Associations Act 1976*, hereby give notice under subsection 64 (2) of the Act that, on 19 \_\_\_\_\_, the Association resolved by special resolution that it should be wound up voluntarily.

A copy of the resolution is enclosed, in accordance with subsection 64 (2) of the Act.

Dated \_\_\_\_\_ 19 \_\_\_\_\_.

*(Signature)*

## **Schedule 2 Requirements in relation to forms**

(regulation 3)

1. All forms shall be on paper of the size known as International A4.
2. The contents of each sheet shall be so placed as to leave a margin of at least 5 centimetres in width on the left-hand side of the sheet.
3. Each sheet shall be an original copy.
4. The contents of each sheet shall not be altered in any particular.

## Schedule 3 Fees to be paid to the registrar

(regulation 16)

Column 1 Item	Column 2 Matter to which the fee relates and additional fee, if any	Column 3 Fee
		\$
1	For the issue, under paragraph 45 (1) (a) of the Act, of a certificate of incorporation	50.00
2	For the issue, under subsection 53 (4) of the Act, of a certificate of incorporation	3.00
3	On late filing of a document under the Act, except where the Registrar is satisfied that just cause exists for the failure to file a document before the date on which it is filed, in addition to any other fee — (a) if filed not later than 1 month after the prescribed time, such amount, not exceeding \$2, as the Registrar fixes; (b) if filed later than one month after the prescribed time, such amount, not exceeding \$10, as the Registrar fixes.	
4	For inspection of the documents filed or otherwise lodged with the Registrar in respect of an aboriginal corporation.....	3.00
5	For a certified copy of a certificate of incorporation .....	3.00
6	For a copy of a document in the custody of the Registrar — for each page .....	1.00
7	On a subpoena served on the Registrar to produce a document in his custody And, in addition, if the Registrar so requires, such other expenses as are reasonably incurred in the production of the document.	10.00
8	For furnishing, in reply to an inquiry made by post, information in the possession of the Registrar in relation to an Aboriginal corporation	3.50

**Table of Statutory Rules**

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## **Notes to the Aboriginal Councils and Associations Regulations**

### **Note 1**

The Aboriginal Councils and Associations Regulations (in force under the *Aboriginal Councils and Associations Act 1976*) as shown in this compilation comprise Statutory Rules 1978 No. 137 amended as indicated in the Tables below.

### **Table of Statutory Rules**

<b>Year and number</b>	<b>Date of notification in <i>Gazette</i></b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1978 No. 137	14 July 1978	14 July 1978	
1982 No. 146	30 June 1982	1 July 1982	—
1984 No. 225	12 Sept 1984	1 Oct 1984	—

**Table of Amendments**

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**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

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<b>Provision affected</b>	<b>How affected</b>
R. 13A.....	ad. 1982 No. 146
R. 18.....	ad. 1982 No. 146
Schedule 1.....	am. 1982 No. 146
Schedule 3.....	rs. 1984 No. 225

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