

ASSOCIATIONS INCORPORATION ORDINANCE 1969

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No. 22 of 1969

An Ordinance to amend the *Associations Incorporation Ordinance 1963*

[Assented to 30 September, 1969]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Associations Incorporation Ordinance 1969*. Short title and citation

(2.) The *Associations Incorporation Ordinance 1963* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Associations Incorporation Ordinance 1963-1969*.

2. After section 23 of the Principal Ordinance the following sections are inserted:—

“23A.—(1.) Where the Registrar has reasonable cause to believe that an incorporated association is not carrying out its objects or is not in operation, he may send to the public officer of the incorporated association by post a letter to that effect stating that, if an answer showing cause to the contrary is not received within one month from the date thereof, a notice will be published in the *Gazette* with a view to the dissolution of the incorporated association. Dissolution of incorporated associations

“(2.) Unless the Registrar receives an answer within one month from the date of the letter to the effect that the incorporated association is carrying out its objects or is in operation, he may publish in the *Gazette* and send to the public officer of the incorporated association by registered post a notice that, at the expiration of three months from the date of that notice, the incorporated association will, unless cause is shown to the contrary, be dissolved.

“(3.) At the expiration of the time mentioned in a notice given by the Registrar under sub-section (2.) of this section, the Registrar may, unless cause to the contrary is previously shown, publish in the *Gazette* a notice that the incorporated association is dissolved, and, on the publication in the *Gazette*

of that last-mentioned notice, the dissolution of the incorporated association takes effect, but the liability, if any, of every officer and member of the incorporated association continues and may be enforced as if the incorporated association had not been dissolved.

“(4.) If a person feels aggrieved by the dissolution of the incorporated association under this section, the Supreme Court on application made by the person at any time within fifteen years after the incorporated association has been dissolved may, if the Court is satisfied that the incorporated association was, at the time of the dissolution, carrying out its objects or in operation or otherwise that it is just that the dissolution of the incorporated association be annulled, order that the dissolution of the incorporated association be annulled and, upon an office copy of the order being lodged with the Registrar, the incorporated association shall be deemed to have continued in existence as if it had not been dissolved and the Court may, by the order, give such directions and make such provisions as seem just for placing the incorporated association and all other persons in the same position as nearly as may be as if the incorporated association had not been dissolved.

Registrar may
act administra-
tively for dissolved
incorporated
association

“23B.—(1.) Where, after an incorporated association has been dissolved under section 23A of this Ordinance, it is proved to the satisfaction of the Registrar—

- (a) that the incorporated association, if it still existed, would be legally or equitably bound to carry out, complete or give effect to some dealing, transaction or matter; and
- (b) that, in order to carry out, complete or give effect thereto, some purely administrative act, not being of a discretionary kind, should have been done by or on behalf of the incorporated association, or, if the incorporated association still existed, should be done by or on behalf of the incorporated association,

the Registrar may, as representing the incorporated association under the provisions of this section, do or cause to be done any such act.

“(2.) The Registrar may execute or sign any relevant instrument or document adding a memorandum stating that he has done so in pursuance of this section, and such execution or signature has the same force, validity and effect as if the incorporated association, if it still existed, had duly executed such instrument or document.

Property of
dissolved
incorporated
association will
vest in Registrar

“23C. Where, after an incorporated association has been dissolved under section 23A of this Ordinance, there remains any outstanding property, real or personal, including things

in action and whether within or outside the Territory, which was vested in the incorporated association or to which it was entitled, or over which it had a disposing power at the time it was dissolved, but which was not got in, realised upon or otherwise disposed of or dealt with by the incorporated association, such property shall, for the purposes of the provisions of section 23D, section 23E and section 23F of this Ordinance and, notwithstanding any enactment or rule of law to the contrary, by the operation of this section be and become vested in the Registrar for all the estate and interest therein legal or equitable of the incorporated association at the date the incorporated association was dissolved, together with all claims, rights and remedies which the incorporated association then had in respect thereof.

“23D.—(1.) Upon proof to the satisfaction of the Registrar that there is vested in him by operation of the last preceding section or any corresponding previous law of the Territory, any estate or interest in property, whether solely or together with any other person, of a beneficial nature and not merely held in trust, the Registrar may sell or otherwise dispose of, or deal with, such estate or interest or any part thereof as he sees fit.

Registrar may
sell property
vested in him

“(2.) The Registrar may sell or otherwise dispose of, or deal with, such property either solely or in concurrence with any other person by public auction, public tender or private contract and in such manner, for such consideration and upon such terms and conditions as he thinks fit, with power to rescind any contract and resell or otherwise dispose of or deal with such property as he thinks expedient, and may make, execute, sign and give such contracts, instruments and documents as he thinks necessary.

“(3.) The Registrar shall be remunerated by such commission, whether by way of percentage or otherwise, as is prescribed in respect of the exercise of the powers conferred upon him by sub-section (1.) of this section.

“(4.) The Registrar shall apply any moneys received by him in the exercise of any power conferred on him by this section in defraying the costs and expenses of and incidental to the exercise of that power and in making payments authorized by this section and shall pay the remainder, if any, of the moneys to the Treasurer.

“(5.) The Treasurer shall pay all moneys paid to him under this section into the Consolidated Revenue Fund.

“(6.) A person claiming to be entitled to any money paid to the Treasurer under this section may apply to the Court

for an order for payment to him of a sum due to him and the Court, if satisfied that the person claiming is entitled to the payment of that sum, shall make an order for the payment accordingly.

“(7.) Upon the making of an order under the last preceding sub-section for payment of any money to a person, or where he is otherwise satisfied that a person is entitled to any money paid to the Treasurer under this section, the Treasurer shall pay an amount equal to that money to that person.

“(8.) The provisions of this section do not deprive a person of another right or remedy to which he is entitled against another person.

Property vested
in Registrar
subject to all
charges &c.

“23E. Property vested in the Registrar by operation of section 23C of this Ordinance, or by operation of any corresponding previous law of the Territory, is liable and subject to all charges, claims and liabilities imposed thereon or affecting such property by reason of any law as to rates, taxes, charges or any other matter or thing to which such property would have been liable or subject had such property continued in the possession, ownership or occupation of the incorporated association, but there shall not be imposed on the Registrar any duty, obligation or liability whatsoever to do or suffer any act or thing required by any such statutory provision to be done or suffered by the owner or occupier other than the satisfaction or payment of any such charges, claims or liabilities out of the assets of the incorporated association so far as they are, in the opinion of the Registrar, properly available for and applicable to such payment.

Registrar to
keep records
&c.

“23F. The Registrar shall—

- (a) record a statement of any property coming to his hand, under his control or to his knowledge vested in him by operation of section 23C, and of his dealings therewith;
- (b) keep accounts of all moneys arising therefrom and of how they have been disposed of; and
- (c) keep all accounts, vouchers, receipts and papers relating to such property and moneys.

Court may
declare
dissolution void

“23G.—(1.) Where an incorporated association has been dissolved, the Supreme Court may at any time within two years after the date of the dissolution, on the application of any person who appears to the Court to be interested, make an order, upon such terms as to the Court seems fit, declaring the dissolution to have been void and, thereupon, such proceedings may be taken as might have been taken if the incorporated association had not been dissolved.

“(2.) The person on whose application the order was made shall, within seven days after the making of the order or such further time as the Court allows, lodge with the Registrar an office copy of the order.

Penalty: Twenty dollars.”.
