

# NATIONAL TRUST (NORTHERN TERRITORY) ORDINANCE 1976

889

No. 59 of 1976

An Ordinance to establish a body to be known as the National Trust of Australia (Northern Territory)

[Assented to 16 November 1976]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *National Trust (Northern Territory) Ordinance 1976*. Short title

2. In this Ordinance, unless the contrary intention appears— Definitions

“Council” means the Council of the National Trust;

“councillor” means a member of the Council;

“Northern Region” means the Northern Region specified in section 7;

“regional committee” in relation to a region means the committee of that region constituted under section 8;

“rules” means the rules of the Trust set out in the Schedule as amended from time to time as provided therein;

“Southern Region” means the Southern Region specified in section 7;

“Trust” and “National Trust” mean The National Trust of Australia (Northern Territory) established and incorporated under this Ordinance.

3.(1) There is established by this Ordinance a Trust by the name of “The National Trust of Australia (Northern Territory)”. Incorporation

(2) The Trust—

(a) is a body corporate with perpetual succession and a common seal;

(b) may acquire, hold and dispose of, and manage, control and deal with, real and personal property;

(c) may sue and be sued in its corporate name; and

(d) is capable of doing and suffering all such acts and things as bodies corporate may by law do or suffer.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Trust affixed to a document and shall presume that it was duly affixed.

*National Trust (Northern Territory)*

Taking over  
of assets and  
liabilities of  
Northern  
Territory  
National Trust  
Incorporated

4.(1) The assets and liabilities of the Northern Territory National Trust Incorporated, an association incorporated under the *Associations Incorporation Ordinance*, are acquired and accepted by the Trust.

(2) The Northern Territory National Trust Incorporated is dissolved.

(3) The Trust shall carry out, complete or give effect to all dealings, transactions or matters that the incorporated association, if it still existed, would be legally or equitably bound to do, as if the Trust were that incorporated association.

(4) The certificate of incorporation of the Association under the *Associations Incorporated Ordinance* is cancelled.

Membership  
of Trust

5. The Trust shall consist of the persons and bodies corporate who are for the time being members of the Trust in accordance with the rules.

Objects of  
Trust

6. The Trust is established for the purposes of promoting—

- (a) the preservation and maintenance, for the benefit of the people of Australia, of lands and buildings of beauty or historic, scientific, artistic, or architectural interest and, in respect of lands, the preservation (as far as practicable) of their natural aspect, features and animal and plant life;
- (b) the protection and augmentation of the amenities of such lands and buildings and their surroundings;
- (c) the preservation of furniture and pictures and chattels of national, historic, artistic or scientific interest;
- (d) the access to and enjoyment of such lands, buildings and chattels by the public; and
- (e) the co-operation with any corporation, body or society, either within or outside the Territory, having objects wholly or substantially similar to the objects of the Trust.

Territory to  
be divided  
into Regions

7.(1) For the purposes of this Ordinance the Territory shall be divided into 2 regions to be known respectively as the Southern Region and the Northern Region.

(2) The Southern Region consists of that part of the Territory that is for the time being comprised in the Alice Springs District as defined for the purpose of section 13 of the *Crown Lands Ordinance*, and the Northern Region consists of the remainder of the Territory.

Regional  
Committees

8.(1) There shall be a regional committee of the Trust for each of the Southern Region and the Northern Region.

(2) Each regional committee shall consist of a chairman and, subject to sub-section (3), 6 other members, elected in accordance with the rules by the members of the Trust resident in the region.

(3) In addition to the elected chairman and members referred to in sub-section (2), a regional committee may include not more than 6 members nominated in accordance with the rules.

9.(1) The financial year of each regional committee shall be the 12 months ending 30 June.

Financial year  
of Regional  
Committees

(2) Each regional committee shall maintain accounts in respect of the Trust activities in its region and prepare a balance sheet to the end of each financial year for presentation to the Council.

10.(1) Subject to this Ordinance, the affairs of the Trust shall be administered, managed and conducted by a council to be called "The Council of the National Trust", constituted in accordance with the rules.

Council of the  
Trust

(2) The Council shall consist of the chairmen of each regional committee, who shall be ex-officio members, and 12 elected members.

(3) Of the 12 elected members referred to in sub-section (2), 6 shall be elected by Trust members residing in the Southern Region, and 6 by members residing in the Northern Region.

(4) The President of the Trust (who shall be chairman of the Council) shall be chosen at the first annual general meeting of the Trust by the drawing of lots from between the chairmen of the 2 regional committees of the Trust, and the unsuccessful regional committee chairman shall be senior vice-president of the Trust.

(5) The President and senior vice-president of the Trust shall hold office until the annual general meeting next following their appointment, at which meeting the chairman of the other regional committee shall become president for the ensuing year and the former president, or his successor as chairman of his regional committee, shall become senior vice-president.

(6) At a meeting of the Council the chairman of the meeting has, in addition to his deliberative vote, a casting vote.

11. The Council shall cause to be prepared once in each year an annual report of the Trust's activities in the Territory and that report, and the statement of income and expenditure and balance sheet of the Trust required by the rules to be prepared together with a certificate from the auditor certifying the correctness of the statement and balance sheet, shall be tabled in the Legislative Assembly at the next sitting of the Assembly after the preparation of the report, statement or balance sheet, as the case may be.

Report and  
statement, &c.  
to be tabled in  
Legislative  
Assembly

12.(1) No taxes, rates (except water rates) or other imposts shall be payable under any law of the Territory on or in respect of any real property, whether freehold or leasehold, belonging to the Trust.

Exemption from  
rates and taxes

(2) Succession duty shall not be payable under any law of the Territory in respect of any property derived by or accruing to the Trust.

(3) An instrument by which any real or personal property is transferred to or vested in the Trust, or agreed to be so transferred or vested, shall be exempt from duty under the *Stamp Ordinance*.

Power of  
Council to  
make by-laws

13.(1) The Council may make such by-laws, not inconsistent with this Ordinance that are necessary or convenient to make for the purpose of the administration and enforcement of this Ordinance.

(2) Without limiting the generality of sub-section (1), the Council may, in respect of property vested in or controlled or managed by the Trust, make by-laws, not inconsistent with this Ordinance, for any of the following purposes:

- (a) for ensuring the safety and the preservation of, and preventing damage to or destruction of, that property;
- (b) for regulating traffic and for ensuring orderly conduct on the part of visitors on that property;
- (c) for fixing the hours during which that property or any building or structure on that property shall be open to the public;
- (d) for fixing the payment to be made for admission to any property or any building or structure on any property and for providing for the exclusion or removal from any property or from any part thereof or building or structure thereon, of persons who have not made the prescribed payment, or who behave in a disorderly manner;
- (e) for preventing trespassing;
- (f) for preventing persons from injuring, destroying, taking or removing, or in any way interfering with, animals, birds, trees and plants; and
- (g) prescribing penalties for a breach or non-observance of the by-laws not exceeding a fine of 50 dollars (in the case of a person other than a corporation within the meaning of the *Companies Ordinance*), or 5,000 dollars (in the case of a corporation within the meaning of the *Companies Ordinance*).

(3) A by-law made under this section—

- (a) shall be signed by the President of the Trust;
- (b) has no effect as a law of the Territory unless it is confirmed by the Administrator in Council and notice of the confirmation is published in the *Gazette*; and
- (c) comes into operation—
  - (i) subject to sub-paragraphs (ii), (iii) and (iv), on the day on which notice of the confirmation of the by-law by the Administrator in Council is published in the *Gazette*;
  - (ii) if a later day is specified in that notice as the day upon which it comes into operation, on that later day;
  - (iii) if a later day is specified in a by-law as the day on which it comes into operation, on that later day; or

- (iv) if a by-law, confirmed at the same time as that by-law, provides that it shall come into operation on a day to be fixed by the Trust by notice in the *Gazette*, on the day so fixed.

14.(1) The rules set out in the Schedule, with such modifications as are made from time to time in accordance with those rules, are the rules providing for and regulating the membership, affairs, business and management of the Trust. Rules

(2) The *Interpretation Ordinance* applies, unless the contrary intention appears, to the rules from time to time in force as though those rules were an Ordinance.

(3) Any amendment made to the rules pursuant to the powers contained therein may be disallowed by the Trust at the annual general meeting next following, or other general meeting convened for that purpose, of either region of the Trust, but until such disallowance shall remain in force.

## THE SCHEDULE

### RULES OF THE NATIONAL TRUST OF AUSTRALIA (NORTHERN TERRITORY)

1. In these rules "the Ordinance" means the *National Trust of Australia (Northern Territory) Ordinance* including any amendments thereof and additions thereto. Interpretation

2.(1) The members of the National Trust shall be divided into— Classes of members

- (a) ordinary members;
- (b) life members;
- (c) honorary life members;
- (d) junior members;
- (e) corporate members; and
- (f) affiliated societies.

(2) An ordinary member shall be a person who, in any year, subscribes to the funds of the National Trust 5 dollars or more or such other sum as the Council may, from time to time, specify in that behalf: Provided that where one member of a family is an ordinary member, any other member of such family who resides at the same address as such subscribing member may become an ordinary member on subscribing to the funds of the National Trust half the sum from time to time determined as required to be subscribed by an ordinary member.

(3) A life member shall be a person who pays to the funds of the National Trust the sum of 50 dollars or such other sum as the Council may, from time to time, specify in that behalf.

(4) An honorary life member shall be a person who has rendered distinguished and voluntary service to the National Trust and whose membership has been first recommended by the Council and then approved by a general meeting of the National Trust of which notice specifying the proposed election has been given. Not more than two honorary life members may be elected in any financial year.

(5) A junior member shall be any person under the age of 18 years or who is a full-time pupil or student at any school or university.

(6) A corporate member shall be any corporation which pays to the funds of the National Trust the sum of 200 dollars or such other sum as the Council may, from time to time, specify. A corporate member shall be entitled to such membership for the period of 30 years and thereafter may again apply for membership, and during continuance of its membership shall be entitled to nominate 5 persons in its employ for the privilege of ordinary subscribing members without further subscription.

(7) An affiliated society shall be any constituted group or body seeking affiliated membership with the Trust, such membership to rank on a par with ordinary membership.

(8) A person shall not be a member of the National Trust unless he has signified in writing to the Trust his desire to be one.

Subscription  
of ordinary  
members

3. Every ordinary member shall be liable for the amount of his subscription and such subscription shall be payable on the first day of January in each year: Provided that any such member may, at any time, previously to the thirty-first day of December in any year resign his membership and cease to be a member by sending his resignation in writing to the Secretary/Director of the National Trust, but subject to such resignation in writing every such member shall be liable for the amount of his subscription in respect of the ensuing year.

Liability of  
members

4. No member of the National Trust shall be liable for or to contribute towards the payment of the debts and liabilities of the National Trust beyond the amount of the annual subscription of such member or of any contributions agreed to be given and remaining unpaid.

First general  
meeting

5. The first general meetings of the Regions of the National Trust shall be held within 6 months after the passing of the Ordinance and shall be called by the sponsors of the Ordinance, and thereafter general meetings shall be held once at least every year in both the Northern and Southern Regions at such time and place as the Regional Committees appoint, and the general meetings shall be called and held in accordance with the rules set out hereunder.

General  
meetings

6.(1) The annual general meetings shall be called ordinary meetings and all other general meetings shall be called extraordinary meetings.

(2) The Regional Committees, at each ordinary meeting, shall lay before the meeting a report of the work done in the preceding year.

(3) The Council or the Regional Committees may whenever they think fit, upon a request made in writing and signed by any 30 or more members, convene an extraordinary meeting.

(4) Any request made by the members shall express the object of the meeting proposed to be called and shall be left with the Secretary/Director of the National Trust.

(5) Upon receipt of such request the Regional Committees (or in their default the Council) shall forthwith proceed to convene a general meeting and, if the Regional Committees or the Council do not convene the same within 14 days from the date of the receipt of such request, the members making the request may themselves convene a meeting.

(6) A notice of every general meeting and of the agenda shall be given to the members at such time and in such form and manner as the Council may from time to time prescribe.

(7) Notice of any motion proposed to be made at a general meeting by any person not being a member of the Council shall be sent to the Secretary/Director of the National Trust 21 days before the general meeting (such notice shall be signed by the proposer and 2 seconders being members of the National Trust) and no motion made by any member other than a member of the Council shall be entertained by a general meeting unless notice thereof has been given as aforesaid.

(8) The non-receipt of a notice by any member shall not invalidate the proceedings of any general meeting.

(9) 12 members shall form a quorum for a general meeting.

(10) If within an hour from the time appointed for a meeting convened upon the requisition of members a quorum be not present the meeting shall be dissolved. In any other case the meeting may transact such business as they think necessary, notwithstanding the absence of a quorum.

(11) At every general meeting all matters which come up for the decision of such meetings shall be decided by a majority of votes of the members personally present and voting by a show of hands unless a poll be demanded as hereinafter mentioned.

(12) The President of the Council or, in his absence, the Senior Vice-President or, in his absence, one of the Vice-Presidents, shall take the chair at a general meeting.

(13) If neither the President, the Senior Vice-President or any one of the Vice-Presidents be present, the meeting shall elect a chairman. The chairman shall in case the votes at any general meeting or in the case of a poll are equally divided have, as well as his own vote, a second or casting vote. The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left undisposed of at a meeting at which the adjournment took place unless in pursuance of a notice and agenda given to the members as hereinbefore prescribed.

(14) At a general meeting one-third of the members of a Regional Committee, or any 20 members of the National Trust, may demand a poll in respect of any resolution, and on such demand being made a poll of National Trust shall be taken accordingly by voting papers in such manner as the chairman may direct, and the result of the poll shall be deemed to be the decision of the general meeting on the resolution.

(15) Every member shall have one vote only with the exception of the chairman's casting vote.

7.(1) Each of the bodies or persons hereinafter named may appoint one member to the Regional Committee of the National Trust as follows (that is to say):—

Nominated members of Regional Committees

- (a) the Museums and Art Galleries Board established under the *Museums and Art Galleries Ordinance*;
- (b) the Northern Territory Reserves Board under the *National Parks and Gardens Ordinance*; and
- (c) the Administrator of the Northern Territory of Australia (from amongst the authorized officers within the meaning of the *Native and Historical Objects and Areas Preservation Ordinance*),

such appointed members shall hold office for such term as the bodies or persons appointing them shall respectively determine, provided however, that such term shall not exceed 3 years without re-appointment.

(2) Any annual general meeting of the National Trust may determine that a member or members of the Council shall be appointed by or on behalf of some body or persons other than those hereinbefore mentioned, either in addition to or in substitution for any one or more of the bodies or persons as mentioned or by way of increase of the number of members appointed by or on behalf of any of the bodies or persons so mentioned, but so that the number of appointed members shall not exceed 6 in either Region and shall not disturb the balance of an equivalent number from each of the Northern and Southern Regions.

8.(1) The affairs of the National Trust shall be administered by a council to be called "The Council of the National Trust" consisting of a President of the Council, a Senior Vice-President, and 12 members.

Constitution of the Council

(2) The President and 6 members from one Region and the Senior Vice-President and 6 members from the other Region shall be elected at the first general meetings of the Regions and thereafter 2 elected members from each of the said Regions shall retire and 2 members from each Region shall be elected at each annual general meeting of the National Trust. The 4 elected members to retire each year shall be determined by the Council who shall ensure, as far as possible, that the elected members shall retire in rotation. The retiring members shall be eligible for re-election.

(3) The Council shall be deemed fully constituted and all acts and proceedings of the Council shall be deemed valid in all respects if and so long as a President or Senior Vice-President and 6 members from each of the Northern and Southern Regions shall have been elected to the Council as by this rule provided.

9. If any elected member of the Council dies or resigns, the Council may appoint in his place another member, to be drawn from the Region from which the deceased or resigned member was formerly elected, to be a member of the Council and any member appointed under this rule shall continue a member of the Council until the next annual general meeting after his appointment, and the acts of the Council shall not be deemed invalid by reason of the death or resignation of any member, or members, thereof.

Vacancies on the Council

10.(1) The entire business of the National Trust shall be arranged and managed by the Council who may exercise all such powers of the National Trust (including its power to borrow and give security) as are not exercisable only by the National Trust in general meeting, and no rule or by-law made, or resolution passed by the National Trust in general meetings shall invalidate any prior act of the Council which would have been valid if such rule, by-law made, or resolution passed by the National Trust in general meetings shall invalidate any prior act of the Council which would have been valid if such rule, by-law or resolution had not been made or passed.

Powers of Council

(2) The Council shall have power to make such rules as to the procedure of the Council and for the conduct of the business and affairs of the National Trust and for the dispatch of business at meetings as the Council may deem necessary provided that such rules do not contravene any of the provisions of the Ordinance.

11. The President shall be Chairman of the Council and when present shall preside at its meetings. If the President is unable to attend at a meeting of the Council the Senior Vice-President shall preside at such meetings. If the President and the Senior Vice-President are unable to attend at a meeting of the Council, the Council shall elect from among those present a chairman to preside at such meetings.

Chairman of Council

12. The Council may appoint such officers and servants as they may from time to time think desirable and (subject to any law, award, or determination fixing rate of pay) fix their salaries and wages and the conditions of service, including the provision of pension on retirement and determine their respective duties and the tenure of their office. The Council may appoint from among its members such honorary officers of the National Trust, including an honorary secretary and honorary treasurer, as it may, from time to time, think fit and may determine any such appointment from time to time.

Officers and servants

13. The Council may also elect any number of vice-patrons, but the persons so elected shall not by reason of such election be members of the Council.

Vice-patrons

## Committees and sub-committees

14.(1) The Council may appoint from their own number any Committee for any specific purpose and may add to any such committee for any such length of time and with such powers of voting or otherwise as the Council may think fit, any member of the National Trust or other person whose aid they judge useful to forward the objects of the National Trust.

(2) The Regional Committees, as provided for in these rules, shall have power of appointing sub-committees for special purposes similar in all respects to the powers hereby conferred upon the Council of appointing committees for special purposes.

## Vacancies and defects not to invalidate proceedings

15.(1) No act or proceeding of the Council, the Regional Committees, or of any committee or sub-committee shall be questioned on account of there being, at the time of such act or proceeding, any vacancy or vacancies in the Council, Regional Committees or in any committee or sub-committee.

(2) No defect in the qualifications or election of any person or persons acting as a member of the Council, the Regional Committee in which he has taken part in cases where the majority of members or parties to such proceedings are duly entitled to act.

## Minutes

16.(1) The Council, the Regional Committees, and every committee and sub-committee appointed as aforesaid shall cause minutes to be made of all proceedings at each of its meetings, and the Council shall, at all times, cause to be kept minutes of the meetings of the National Trust, and a register of the members of the National Trust with their respective last-known places of abode.

(2) Any minutes made of proceedings at a meeting of the National Trust, the Council, the Regional Committees, or of any committee or sub-committee respectively, if signed, either at the meeting at which such proceedings took place, or at the next ensuing meeting by any person purporting for the time being to be the President of the Council or the Chairman or Acting Chairman of the Regional Committees, committee or sub-committee, as the case may be, shall be receivable as evidence of such proceedings in all legal proceedings without further proof and until the contrary is proved, every meeting of the Council, the Regional Committees or of any committee or sub-committee shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

## Mode of executing instruments &amp; notices

17.(1) Any instrument which, if made by a private person, would be required to be made under seal shall be under the seal of the National Trust.

(2) Any notice issued by or on behalf of the National Trust shall be deemed to be duly executed if signed by the President and Senior Vice-President or the officers officially nominated to act on their behalf.

(3) Subject as aforesaid any appointment made by the National Trust and any contract, order, or other document made by or proceeding from the National Trust shall be deemed to be duly executed, either if sealed with the seal of the National Trust and signed by the President and Senior Vice-President or their nominees authorized to sign by a resolution of the Council or Regional Committee but it shall not be necessary in any legal proceedings to prove that the members signing any such order or other document were authorized to sign and such authority shall be presumed until the contrary is proved.

## Arrangements with local authorities and persons

18.(1) The National Trust may act in concert with and make any arrangements and agreements with any Local Government authority now or hereafter constituted or with any residents or committee of residents in the neighbourhood of any land or property of the National Trust, or with any other persons for giving effect to the objects of the Ordinance.

(2) Where any person is willing to agree with the National Trust that any land, or any part thereof shall, so far as his interest in the land enables him to bind it, be made subject either permanently or for a specified period to conditions restricting the planning, development, or use thereof, in any manner, the National Trust may, if it thinks fit, enter into an agreement with him or accept a covenant from him to that effect.

## Power to borrow

19. For the purpose of carrying out any work or undertaking which it is authorized by the Ordinance to carry out the National Trust may borrow money and give security for repayment thereof by a mortgage, charge, or any other form of security over any property of the National Trust. All moneys received by the National Trust on capital account shall, subject to the conditions attached to any gift, be applicable in or towards the repayment of moneys borrowed, or otherwise, in furthering the objects for which the National Trust is established.

## Gifts

20. The National Trust may accept any gift (whether by will or *inter vivos*) of any property, whether real or personal, of whatsoever kind and wheresoever situate, and whether in possession, reversion or remainder.

## Investment retention and sale

21.(1) The National Trust may invest any money which has been received by it under, or for the purposes of, the Ordinance and is not required to meet the current expenditure.

(2) The National Trust may (subject to the provisions of any trust, instrument or to the conditions attached to any gift under which it received or is entitled to any property) hold and retain in the same state of investment so long as it thinks fit, any property of any kind as an investment for the purpose of providing income to be applied in defraying the expenditure of the National Trust under the Ordinance.



(3) The National Trust may (subject to the provisions of any trust, instrument, or to the conditions attached to any gift under which it receives or is entitled to any property) sell any property belonging to it which is not required for purposes of the Ordinance. The money received on any such sale shall be applied for purposes of the Ordinance or invested. If the money is invested the income shall be applied for the said purpose.

22.(1) The National Trust shall keep proper accounts of all the income and expenditure of the National Trust and shall prepare a statement of such income and expenditure and a balance sheet at least once a year. Accounts and audit

(2) The accounts of the National Trust shall be annually audited by a member of the Institute of Chartered Accountants in Australia.

(3) The Council, and every employee of the National Trust shall give to its auditor any information which he requires for the purpose of the audit and shall produce to him all books, accounts, vouchers and documents which he requires for that purpose.

23.(1) The Council may repeal or amend any of these rules and may make and pass any new rules with a view to the more efficient management and conduct of the National Trust provided that no rules shall be repealed, amended, or made, except with the concurrence of two-thirds of the whole number of members of the Council. Repeal and alteration of these rules

(2) All new rules and the repeal and amendment of any rules shall be submitted to the annual general meetings of the National Trust held next after the making thereof and the National Trust at such annual general meetings may, by resolution, disallow any such rule or any such repeal or amendment.

BRANCH RULES

24. On the nomination of a Regional Committee the Council of the National Trust may constitute Branches of the National Trust of Australia (Northern Territory) for the purpose of local management and administration in suburban or country districts.

25. The aims of branches of the National Trust shall be those prescribed by section 6 of the Ordinance, namely— Aims

- (a) the preservation and maintenance, for the benefits of the people of Australia, of lands and buildings of beauty or historic, scientific, artistic or architectural interest, and, in respect of lands, the preservation (so far as practicable) of their natural aspect, features and animal and plant life;
- (b) the protection and augmentation of the amenities of such lands and buildings and their surroundings;
- (c) the preservation of furniture and pictures and chattels of national, historic, artistic or scientific interest;
- (d) the access to and enjoyment of such lands, buildings and chattels by the public; and
- (e) the co-operation with any corporation, body or society, either within or outside the Territory, having objects wholly or substantially similar to the objects of the National Trust.

26.(1) The designation of a Branch shall be determined by the Council of the National Trust. Branch name

(2) The name of every Branch shall be (insert the name) Branch of the National Trust of Australia (Northern Territory). Short title The (insert the name) Branch.

27.(1) The affairs of a Branch and the business and management thereof shall be administered, managed and conducted for the Council of the National Trust by a Committee consisting of the Branch Chairman and not more than 8 members. Branch Committees

(2) The Branch Chairman and not less than 5 nor more than 8 members shall be elected from among the members at the first general meeting of the Branch and the elected members shall retire at each annual general meeting of the Branch.

(3) The Branch may with the approval of the Council of the National Trust provide for local bodies to be represented on the Branch Committee but the number of bodies who may each appoint one member to the Branch Committee may not at any time exceed 4 or the number of elected members on the Branch Committee whichever is the lesser. Such appointed members shall hold office for such term as the bodies or persons appointing them shall respectively determine, provided however that such term shall not exceed 3 years without re-appointment.

(4) The Branch Committee shall be deemed fully constituted so long as a Chairman and 5 members shall have been elected to the Branch Committee.

(5) The Chairman or acting chairman or such other nominated member of a Branch shall be a nominated member of the Regional Committee of the Region of the National Trust within which boundaries the Branch is located and during such appointment shall have the right to attend meetings of the Regional Committee and to speak thereat with full power to vote in its proceedings.

*National Trust (Northern Territory)*Vacancies in  
Branch  
Committees

28. If an elected member of a Branch Committee dies or resigns, the Branch Committee may appoint in his place another member to be a member of the Branch Committee, and any member appointed under this rule shall continue as a member of the Branch Committee until the next annual general meeting of the Branch after such appointment.

Powers of  
the Branch  
Committees

29.(1) The affairs of a Branch shall be administered by its Branch Committee for the Council of the National Trust in accordance with such orders, directions, rules and policy as may from time to time be directed by the Council of the National Trust.

(2) Each Branch Committee shall enforce such regulations as the Council of the National Trust shall deem applicable to the properties placed by it under the management of the Branch subject to the conditions laid down in Rule 40.

(3) A Branch Committee shall not have the power to acquire or accept any gift of property being land or buildings as agent for the National Trust but may make reports and recommendations to the Council of the National Trust through its Regional Committee in regard thereto. The Branch Committee shall have no power to borrow money or give security on any property of the National Trust or to lease land or enter into any covenant in regard thereto or to commit the National Trust for any expenditure on the maintenance of any property in excess of 300 dollars, or such sum as the Council of the National Trust may otherwise decide, in any one year, without the prior approval of the Council.

(4) The Branch Committee shall ensure that all property of the National Trust under its management shall be properly maintained and kept intact but shall not be responsible for financing the maintenance of any property.

Chairman  
of Branch  
Committees

30. The Branch Chairman shall preside at Branch Committee meetings. If the Chairman is unable to attend a meeting of the Branch Committee the Branch Committee shall elect from among those present a chairman to preside at such meetings.

Officers and  
servants

31. The Branch Committee may appoint such honorary officers and servants from among its members as it from time to time thinks desirable including honorary secretary and honorary treasurer and may determine such appointments from time to time.

Committees and  
sub-committees

32. The Branch Committee may appoint from its own number any committee for any special purpose relating to the affairs of the Branch and may add to such committee for such length of time as it considers necessary any member of the National Trust or other person whose aid it judges useful to forward the objects of the National Trust.

## Sub-Branches

33.(1) Where in the opinion of the Regional Committee a detached group of members exists within the boundaries of a Branch, and the formation of another branch in respect thereof is not warranted, then such group may, at the request of the Branch and with the approval of the Regional Committee, be referred to as the (insert the name) Sub-Branch of the (insert the name) Branch of the National Trust of Australia (Northern Territory).

(2) A Branch shall be responsible for all acts of its sub-branches and a sub-branch shall not be recognised outside the boundaries of its Branch.

(3) All communications from or to a sub-branch shall be made through the Branch of which the sub-branch forms a part.

(4) The Branch Committee shall appoint a sub-committee for each sub-branch and each sub-committee shall be responsible to the Branch Committee.

## Minutes

34.(1) The Branch Committee and every sub-committee appointed as aforesaid shall cause minutes to be taken of all proceedings at each of its meetings.

(2) Any minutes made at a meeting of a Branch Committee or sub-committee if signed either at the meeting at which the proceedings took place or at the next ensuing meeting by any person purporting for the time being to be the Chairman of the Branch Committee or chairman or acting chairman of a sub-committee appointed by the Branch Committee shall be receivable as evidence of such proceedings in all legal proceedings without further proof and until the contrary is proved, every meeting of the Branch Committee or sub-committee shall be deemed to have been duly convened and held.

Accounts and  
subscriptions

35.(1) Every Branch of the National Trust shall keep proper books of account of all its income and expenditure and shall prepare a statement of all income and expenditure at least once a year covering a period of 12 months from 1 January to 31 December. A copy of the aforesaid statement shall be forwarded to the Secretary/Director of the Region of the National Trust of Australia (Northern Territory) in which the Branch is located within one month of the close of each financial year.

(2) All subscriptions received by a Branch shall be advised as early as practicable to the Region of the National Trust in which the branch is located. Half the subscription received shall be retained by the branch and half remitted to the Regional Office of the National Trust or such amount as the Council of the National Trust may from time to time determine.

(3) No branch of the National Trust shall be responsible for collecting the subscriptions of members unless so directed by the Council of the National Trust.

(4) Every Branch shall open a bank account at a Bank to be approved by the Council of the National Trust.

(5) Each Branch account shall be in the name of the Branch and all funds raised by gift or fund-raising activities of the Branch shall remain in the Branch account and be applied locally for the furtherance of the objects of the National Trust in that area.

(6) The Branch Committee shall appoint at least 2 members to sign cheques and all cheques drawn on a Branch account shall be signed by 2 authorized signatories of the Branch Committee.

(7) Each Branch shall appoint some person to be approved by the Council who shall during the month of January in each year audit the Statement referred to in sub-rule (1) hereof.

36. On the formation of a Branch the amount of 100 dollars shall be handed to the newly appointed Branch Chairman to open their books. Branch grant

37. The Council of the National Trust shall approve the boundaries as determined by a Regional Committee of any Branch which the Council may alter from time to time. Branch boundaries shall wherever practicable be based on well established local government or district boundaries. Boundaries

38.(1) The annual general meetings of a Branch shall be called ordinary meetings and all other general meetings shall be called extraordinary meetings. General meetings

(2) The Branch Committee at each ordinary meeting shall lay before the meeting a report of the work done in the preceding year and a copy of such report shall be sent to the office of the Region of the National Trust in which the Branch is located, at least 7 days prior to the holding of the ordinary meeting.

(3) The Branch Committee may whenever it thinks fit or upon a requisition made in writing and signed by 10 or more members of the Branch, convene an extraordinary meeting.

(4) Any requisition made by the members of the Branch shall express the object of the meeting proposed to be called and shall be left with the Branch secretary.

(5) Upon receipt of such requisition the Branch Committee shall forthwith proceed to convene an extraordinary meeting and if the Branch Committee does not convene the same within 14 days from the date of the receipt of such requisition the requisitionists may themselves convene an extraordinary meeting.

(6) A notice of every general meeting of a Branch and of the agenda shall be given to members of the Branch at such time and in such form and manner as the Branch Committee or Council of the National Trust may from time to time prescribe.

(7) The non-receipt of a notice by any member shall not invalidate the proceedings of any meeting.

(8) 10 members shall form a quorum for a general meeting.

(9) If within one hour of the time appointed for the meeting, convened upon the requisition of members, and being an extraordinary meeting, a quorum be not present, the meeting shall be dissolved. In any other case the meeting may transact such business as it thinks necessary notwithstanding the absence of a quorum.

(10) At every general meeting all matters which come up for the decision of such meeting shall be decided by a majority of votes of the members personally present and voting, by show of hands, unless a poll be demanded as hereinafter mentioned.

(11) The Branch Chairman or in his absence a chairman elected by the Branch Committee shall take the chair at a general meeting.

(12) If neither the Branch Chairman nor chairman elected by the Branch Committee be present, the meeting shall elect a chairman. The chairman shall if the votes at any general meeting are equal, or if a poll is equally divided, have as well as his own vote a second or casting vote. The chairman may with the consent of the meeting adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left undisposed of at a meeting at which the adjournment took place.

(13) Every member shall have one vote with the exception of the chairman's casting vote.

(14) Except where herein otherwise provided the Rules of the National Trust of Australia (Northern Territory) regarding general meetings shall apply *mutatis mutandis* to general meetings of each branch.

39. The first annual general meeting shall be held at a date to be determined by the persons who have been duly authorized by the Council of the National Trust to form the Branch, and thereafter at least once every year at such time and place as the Branch Committee may decide, but not later than March 31 in any year. First General Meeting

40.(1) No member of any Branch Committee or member of any Branch shall have the power to execute any documents on behalf of the National Trust of Australia (Northern Territory). Executing Instruments and Notices

(2) Any notice of meeting issued by or on behalf of any Branch of the National Trust shall be deemed to be duly executed if signed by the Branch Chairman or the Branch Secretary.

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(3) Every document or letter originating from a Branch shall be so designated and if bearing the signature of an officer of the Branch and his description, the description must be prefixed by the word "Branch".

## Alteration of these rules

41.(1) The Council of the National Trust shall have the power to repeal or amend these rules in any manner or at any time it may decide at its own discretion or on the recommendation of any of the Branches.

(2) The above-mentioned rules shall be binding on every Branch of the Trust and no Branch shall have the power to alter or amend the rules but the Branch Committee may make recommendations, as provided in the last preceding sub-rule.

## Litigation

42. No Branch Committee shall engage in any form of litigation except with the express consent of the Council of the National Trust and under the direction of and in the name of the National Trust of Australia (Northern Territory).

## Winding up of Branches

43.(1) If at any ordinary meeting of a Branch, or where a Branch Committee is to be elected, no committee is so elected, then that Branch may at the discretion of the Council of the National Trust be dissolved.

(2) In the event of a Branch being dissolved all cash on hand, Bank deposits and other property whatsoever in the care of or under the control of the Branch will revert to the care of the Regional Committee within whose boundaries the Branch was located.

(3) No Branch will be dissolved by reason of the fact that the committee has ceased to be properly constituted as provided for in Rule 27 (4) hereto provided that the vacancies occurring are filled within 3 months of the committee ceasing to be properly constituted.

44. Except as may be specifically decided by the Council, the Regional Committees of the Trust may exercise any power given by these Rules to the Council.