Statutory Rules
1978 No. 1

REGULATIONS UNDER THE ABORIGINAL COUNCILS AND
ASSOCIATIONS ACT 1976*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, hereby make
the following Regulations under the Aboriginal Councils and Associa-
tions Act 1976.

Dated this seventh
day of July 1978.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

(Sgd) Ian Viner
Minister of State for Aboriginal Affairs

ABORIGINAL COUNCILS AND ASSOCIATIONS REGULATIONS

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

2. (1) In these Regulations, "the Act" means the Aboriginal Coun-
   cils 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. 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. (1) A form set out in Schedule 1 shall be completed in accord-
   ance 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.

* Notified in the Commonwealth of Australia Gazette on

15951/77 Cat. No. —Recommended retail price 20c

14/2.6.1978
5. An application under Part III of the Act for the constitution of an Aboriginal Council area shall be in accordance with Form 1.

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

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

8. A notice under sub-section 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. A notice under sub-section 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. An application under sub-section 43 (1) of the Act for the incorporation of an Aboriginal association shall be in accordance with Form 6.

11. (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 sub-regulation (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. (1) A notice under sub-section 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 sub-section 54 (1) of the Act of the alteration of the Rules of an Incorporated Aboriginal Association shall be in accordance with Form 8.

13. (1) An application under sub-section 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 sub-section 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 sub-section 53 (4) of the Act shall be in accordance with Form 11.

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

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

17. For the purposes of sub-sections 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.

SCHEDULE 1

FORM 1

COMMONWEALTH OF AUSTRALIA

Aboriginal Councils and Associations Act 1976

APPLICATION FOR CONSTITUTION OF AN ABORIGINAL COUNCIL AREA

To the Registrar of Aboriginal Corporations.

We, the undersigned, hereby apply under Part III of the Act for the constitution of an Aboriginal Council area with a view to the establishment of an Aboriginal Council for that area.

The boundaries of the area proposed to be constituted as an Aboriginal Council area will be:

The functions of the proposed Aboriginal Council for the area will be:

Dated

(Signatures, names and addresses of 10 adult Aboriginals living in the proposed Council area)

* Insert a clear description of the area to be constituted. If insufficient space, attach a separate sheet. Attach a map delimiting the subject area.
† List functions of the Council including the provision of a service or services to the Aboriginals living in the area, any other function for the benefit of those Aboriginals and services referred to in sub-section 11 (3) of the Act.
Aboriginal Councils and Associations Regulations

SCHEDULE 1—continued

FORM 2

COMMONWEALTH OF AUSTRALIA
Aboriginal Councils and Associations Act 1976

REQUEST TO ALTER FUNCTIONS OF AN ABORIGINAL COUNCIL

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 sub-section 33(2) of the Act.
‡ Insert attestation clause for use of the common seal of the Council.

FORM 3

COMMONWEALTH OF AUSTRALIA
Aboriginal Councils and Associations Act 1976

NOTICE OF ALTERATION OF RULES OF AN ABORIGINAL COUNCIL

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 sub-section 35(1) of the Act, a copy of an alteration of the Rules of the Council made on

Dated 19

(Signature)

FORM 4

COMMONWEALTH OF AUSTRALIA
Aboriginal Councils and Associations Act 1976

NOTICE OF NAME AND ADDRESS OF PUBLIC OFFICER

To the Registrar of Aboriginal Corporations,

Notice is hereby given under sub-section 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 alteration clause for use of the common seal of the Aboriginal Corporation.
Aboriginal Councils and Associations Regulations

SCHEDULE 1—continued

FORM 5

COMMONWEALTH OF AUSTRALIA
Aboriginal Councils and Associations Act 1976

NOTICE OF CHANGE OF ADDRESS OF PUBLIC OFFICER

To the Registrar of Aboriginal Corporations.

Notice is hereby given under sub-section 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 attendance clause for use of the common seal of the Aboriginal Corporation.

FORM 6

COMMONWEALTH OF AUSTRALIA
Aboriginal Councils and Associations Act 1976

APPLICATION FOR THE INCORPORATION OF AN ABORIGINAL ASSOCIATION

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.
Aboriginal Councils and Associations Regulations

SCHEDULE 1—continued

FORM 7

COMMONWEALTH OF AUSTRALIA
Aboriginal Councils and Associations Act 1976

CERTIFICATE OF INCORPORATION OF AN ABORIGINAL ASSOCIATION

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

Registrar

* Insert name of Aboriginal Association.

FORM 8

COMMONWEALTH OF AUSTRALIA
Aboriginal Councils and Associations Act 1976

NOTICE OF ALTERATION OF OBJECTS OR RULES OF AN INCORPORATED ABORIGINAL ASSOCIATION

To the Registrar of Aboriginal Corporations,

I, of

the public officer of

an Association incorporated under the Act hereby file, under sub-section 52 (1)/54 (1)* of the Act, a copy of an alteration of the objects of the Association/clarification of an alteration of the rules of the Association* made on

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

Dated

(Signature)

* Insert whatever is applicable.
† Strike out if not applicable.

FORM 9

COMMONWEALTH OF AUSTRALIA,
Aboriginal Councils and Associations Act 1976

APPLICATION FOR APPROVAL OF A NEW NAME FOR AN INCORPORATED ABORIGINAL ASSOCIATION

To the Registrar of Aboriginal Corporations.

The Governing Committee of

an Association incorporated under the Act, hereby applies under sub-section 53 (1) of the Act for approval to change the name of the Association to* and

Dated

(Signature)

* Insert proposed new name including the words "Aboriginal Corporation" or "Torres Strait Islands Corporation", as the case requires.
† Insert appropriate alteration clause for use of the common seal of the Incorporated Aboriginal Association.
Aboriginal Councils and Associations Regulations

SCHEDULE 1--continued

FORM 10
Sub-regulation 13 (2)

COMMONWEALTH OF AUSTRALIA
Aboriginal Councils and Associations Act 1976

NOTICE OF A NEW NAME FOR AN INCORPORATED ABORIGINAL ASSOCIATION

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 sub-section 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)

FORM 11
Sub regulation 13 (3)

COMMONWEALTH OF AUSTRALIA
Aboriginal Councils and Associations Act 1976

CERTIFICATE OF INCORPORATION OF AN ABORIGINAL ASSOCIATION ON CHANGE OF NAME

I, the Registrar of Aboriginal Corporations, in pursuance of sub-section 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
Aboriginal Councils and Associations Regulations

SCHEDULE 2

REGULATIONS IN RELATION TO FORMS

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

$ 20.00
1. For the issue, under paragraph 45 (1) (a), of a certificate of incorporation

$ 3.00
2. For the issue, under sub-section 53 (4), of a certificate of incorporation

$ 2.00
3. For filing a document with the Registrar

4. 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 within 1 month after the prescribed time, such amount, not exceeding $2.00, as the Registrar fixes;
   (b) if filed later than 1 month after the prescribed time, such amount, not exceeding $10.00, as the Registrar fixes.

$ 3.00
5. For inspection of the documents filed or otherwise lodged with the Registrar in respect of an Aboriginal corporation

$ 3.00
6. For a certified copy of a certificate of incorporation

$ 1.00
7. For a copy of a document in the custody of the Registrar—for each page

$ 10.00
8. 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.

$ 3.50
9. For furnishing, in reply to an inquiry made by post, information in the possession of the Registrar in relation to an Aboriginal corporation

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