NORTHERN TERRITORY OF AUSTRALIA

NATIONAL TRUST (NORTHERN TERRITORY) ACT

As in force at 28 August 2013

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NORTHERN TERRITORY OF AUSTRALIA

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NATIONAL TRUST (NORTHERN TERRITORY) ACT

An Act to establish a body to be known as The National Trust of Australia Northern Territory

1 Short title

This Act may be cited as the *National Trust (Northern Territory) Act*.

2 Definitions

In this Act, unless the contrary intention appears:

branch and ***branch committee*** mean respectively a branch of the Trust constituted by the Council under section 7(1) and a committee established for a branch pursuant to section 7(3).

Council means the Council of the National Trust.

councillor means a member of the Council.

rules means the rules of the Trust made by the Council under section 14.

Trust and ***National Trust*** mean The National Trust of Australia (Northern Territory) established and incorporated under this Act.

3 Incorporation

(1) There is established by this Act a Trust by the name of "The National Trust of Australia (Northern Territory)".

(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.

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

(1) The assets and liabilities of the Northern Territory National Trust Incorporated, an association incorporated under the *Associations Incorporation Act*, 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 Incorporation Act* is cancelled.

5 Membership of Trust

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.

6 Objects of Trust

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.

7 Branches and branch committees

(1) The Council may from time to time resolve that the members of the Trust for the time being resident in or otherwise connected with a specified area shall constitute a branch of the Trust.

(2) A resolution under subsection (1) shall specify the name of the branch and the matters for which it is to be responsible.

(3) The affairs of a branch shall be conducted by a branch committee, and rules:

(a) shall make provision as to the composition and powers of branch committees and with respect to the finances of branches and their management;

(b) without limiting the generality of section 14, may contain provision with respect to any matter incidental or ancillary to a matter specified in paragraph (a) or otherwise relating to the functioning of branch committees; and

(c) may relate, in respect of any matter, to all branches or to a particular branch or particular branches.

(4) The number of branches constituted by virtue of this section shall not exceed 18 at any one time.

9 Financial year of branch committees

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

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

10 Council of the Trust

(1) Subject to this Act, the affairs of the Trust shall be administered, managed and conducted by a council to be called "The Council of the National Trust".

(2) The Council shall consist of such number of members not exceeding 18 as is specified in the rules.

(3) Members of the Council shall be elected by members of the Trust in accordance with the rules, and shall hold office as thereby provided.

(4) The rules shall secure that one member of the Council is elected by each branch.

(5) The members of the Council shall elect annually one of their number to be President of the Trust, and the President shall also be chairman of the Council.

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

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

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.

12 Exemption from rates and taxes

(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.

(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 Duty Act*.

13 Power of Council to make by-laws

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

(2) Without limiting the generality of subsection (1), the Council may, in respect of property vested in or controlled or managed by the Trust, make by-laws, not inconsistent with this Act, 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) for imposing the following maximum penalties for a contravention of the by-laws:

(i) for an individual – $50;

(ii) for a corporation – 40 penalty units.

14 Rules

(1) The Council may make rules, not inconsistent with this Act:

(a) with respect to any matter for which rules are required or permitted to provide by any of the preceding provisions of this Act; or

(b) regulating in any other respect the membership, affairs, business or management of the Trust.

(2) For the making of a rule under this section, the agreement is required of members of the Council totalling two-thirds at least of the number of members constituting a full Council.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***National Trust (Northern Territory) Ordinance 1976* (Act No. 59, 1976)**

Assent date	16 November 1976
Commenced	16 November 1976

***Statute Law Revision Act (No. 3) 1981* (Act No. 91, 1981)**

Assent date	21 September 1981
Commenced	21 September 1981

***Companies and Securities (Consequential Amendments) Act 1986* (Act No. 18, 1986)**

Assent date	30 June 1986
Commenced	1 July 1986 (s 2)

***National Trust (Northern Territory) Amendment Act 1986* (Act No. 66, 1986)**

Assent date	19 December 1986
Commenced	ss 1 – 3, 4(c), 8 and 11: 19 December 1986; rem: 30 September 1987 (*Gaz* G39, 30 September 1987, p 6)

***Corporations (Consequential Amendments) Act 1990* (Act No. 59, 1990)**

Assent date	14 December 1990
Commenced	1 January 1991 (s 2, s 2 *Corporations (NT) Act 1990* (Act No. 56, 1990) and *Gaz* S76, 21 December 1990)

***Corporations Reform (Consequential Amendments NT) Act 2001* (Act No. 17, 2001)**

Assent date	29 June 2001
Commenced	15 July 2001 (s 2, s 2 Corporations Act 2001 (Cth Act No. 50, 2001) and Cth *Gaz* S285, 13 July 2001)

***Penalties Amendment (Miscellaneous) Act 2013* (Act No. 23, 2013)**

Assent date	12 July 2013
Commenced	28 August 2013 (*Gaz* G35, 28 August 2013, p 2)

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 11 *National Trust (Northern Territory) Amendment Act 1986* (Act No. 66, 1986)

4 LIST OF AMENDMENTS

lt	amd No. 91, 1981, s 2
s 1	amd No. 91, 1981, s 2
s 2	amd No. 91, 1981, s 2; No. 66, 1986, s 4
ss 3 – 4	amd No. 91, 1981, s 2
s 7	amd No. 91, 1981, s 2 sub No. 66, 1986, s 5
s 8	rep No. 66, 1986, s 5
s 9	amd No. 66, 1986, s 6
s 10	amd No. 91, 1981, s 2; No. 66, 1986, s 7
s 12	amd No. 91, 1981, s 2
s 13	amd No. 91, 1981, s 2; No. 18, 1986, s 3; No. 66, 1986, s 8; No. 59, 1990, s 4; No. 17, 2001, s 21; No. 23, 2013, s 12
s 14	amd No. 91, 1981, s 2 sub No. 66, 1986, s 9
sch hdg	amd No. 91, 1981, s 2 rep No. 66, 1986, s 10
sch	amd No. 91, 1981, s 2 rep No. 66, 1986, s 10