

AUSTRALIANS for Native Title and Reconciliation (South Australia)

ABN: 84 110 327 639

CONSTITUTION

1 NAME

The name of the Association shall be Australians for Native Title and Reconciliation (South Australia) Inc. ('the Association').

2 OBJECTS

The objects of the Association are to work with Aboriginal and Torres Strait Islanders to:

- 2.1 to support, promote and encourage Aboriginal and Torres Strait Islanders' land rights, including the protection of Aboriginal and Torres Strait Islander peoples' native title rights and interests in land, sea, and inland waters;
- 2.2 to undertake educational activities; for example, to disseminate information and provide seminars;
- 2.3 to publish, research, collect or otherwise disseminate information on matters relating to Aboriginal rights, including with respect to individual and community development;
- 2.4 to foster reconciliation between non- Indigenous and Aboriginal and Torres Strait Islander people;
- 2.5 to support the rights of Aboriginal and Torres Strait Islander people as articulated in the UN Draft Declaration on the Rights of Indigenous Peoples;
- 2.6 to foster support for Aboriginal and Torres Strait Islanders' sovereignty;
- 2.7 to foster support for Aboriginal and Torres Strait Islanders' land rights;
- 2.8 to support, promote and foster a people's movement toward the achievement of these objectives; and,
- 2.9 to do all such other things as may be incidental to the attainment of such objects.

3 POWERS

- 3.1 The powers of the Association shall be the powers contained in s25 of the Associations Incorporations Act, and without limiting those powers, the Association shall be entitled to hold real or personal property, open and operate bank accounts, invest in trustee securities, and enter into any necessary or desirable contract, including a contract of employment

4 MEMBERSHIP

Membership shall comprise:

- 4.1 **Individual members:** persons having agreed to accept the objects of the Association by paying the membership subscription and upon being accepted by the Steering Committee will become Individual members of the Association.
 - 4.1.1 Individual membership is for a period of 12 months.
- 4.2 **Associated individual members:** persons having all the rights of an individual member stated in clause 4.1 and 4.1.1 however without the right to vote either at any General Meeting or Steering Group Meeting.
- 4.3 **Coalition groups:** coalition groups having agreed to accept the objects of the Association by paying the membership subscription and upon being accepted by the Steering Committee will become members of the Association;
 - 4.3.1 Coalition groups are members for a period of 3 years.
 - 4.3.2 Coalition groups may nominate 1 delegate to the Steering Committee.
 - 4.3.3 Every group or entity being a participant on the ANTaR Steering Committee as at 30th June 1999 will automatically become a Coalition Group Member.
- 4.4 **Associated coalition groups:** groups having all the rights of a Coalition Group stated in clause 4.3.1 and 4.3.2 however without the right to vote either at any General Meeting or Steering Group Meeting.
- 4.5 **Ceasing membership**

Membership shall cease on:

- 4.5.1 resignation in writing delivered to the premises of the Association;
 - 4.5.2 termination of employment by the Association; or,
 - 4.5.3 non-renewal of membership with two months of expiry.
- 4.6 **Suspension and expulsion of members**
 - 4.6.1 Membership may be suspended by not less than two-thirds majority vote at a General Meeting.
 - 4.6.2 Any suspended member may on not less than two weeks' written notice require the suspension to be reconsidered at one subsequent General Meeting. Suspension may be confirmed or withdrawn by not less than two thirds majority vote at a General Meeting.
 - 4.6.3 The Association shall not be required to accept the renewal of membership of a suspended member when renewal next falls due.
 - 4.7 The Steering Committee may waive subscription of an Aboriginal member.

5 LOCAL ANTaR GROUPS

- 5.1 The Association will create in geographical locations of its own choice throughout South Australia Local ANTaR groups.
- 5.2 The Local ANTaR groups will comprise individual members.
- 5.3 Only persons who are individual members of ANTaR are to become participants in local groups.
- 5.4 Each Local ANTaR group may nominate a delegate to the Steering Committee.
- 5.5 In the circumstances that a delegate from a Local ANTaR group participants on the Steering Committee that delegate will have one vote in relation to any issue before the Steering Committee.

6 **MEETINGS: oversight and participation**

- 6.1 The chairperson shall be decided at the start of every meeting, but if a decision cannot be agreed the State Co-ordinator or his or her representative shall be the chairperson.
- 6.2 The chairperson of a meeting shall encourage full and balanced participation by all members and shall decide on matters of order.
- 6.3 The State Coordinator shall be responsible for ensuring that meetings are properly chaired.
- 6.4 The State Coordinator together with the Secretary shall prepare the agenda for meetings.

7 **ANNUAL GENERAL MEETINGS**

- 7.1 The Annual General Meeting shall be held at least once in each calendar year and not more than three months after the close of the financial year which shall be June 30 unless altered at an Annual General Meeting.
- 7.2 The business of the Annual General Meeting shall be:
 - 7.2.1 to confirm the minutes of the preceding Annual General Meeting;
 - 7.2.2 to receive the State Co-ordinator's report for the previous year;
 - 7.2.3 to receive the Treasurer's report and the audited financial statements for the previous financial year, together with the financial budget for the current financial year;
 - 7.2.4 to elect members of the Steering Committee from the ordinary membership;
 - 7.2.5 to elect or re-elect the Office Bearers who must consent in person or in writing; and,
 - 7.2.6 to conduct any other business placed on the agenda before the commencement of the meeting.
- 7.3 Written notice of not more than 28 days and not less than 7 days of all General Meetings shall be displayed at the premises of the Association and distributed to all members who do not visit the premises regularly.

8 SPECIAL GENERAL MEETINGS

- 8.1 A Special General Meeting shall be called by the Secretary within 28 days of receipt of a directive of the Committee or a written request of 3 Committee members or 6 members specifying the business to be conducted at the meeting.
- 8.2 Written notice of not more than 28 days and not less than 7 days of the Special General Meeting shall be displayed at the premises of the Association and distributed to all members who do not visit the premises regularly.

9 VOTING

- 9.1 Decision making at any meeting shall be by consensus when possible; but when consensus cannot be reached then voting shall be by show of hands except that:
- (i) any contested election at an Annual General Meeting or otherwise shall be by secret ballot; and,
 - (ii) the meeting may by show of hands require any other vote to be by secret ballot.
- 9.2 The chairperson at any meeting shall have a personal deliberative vote and shall in addition have a casting vote if votes are equal.
- 9.3 Every member who is entitled to vote is entitled to only one vote at any Annual General Meeting or Special General Meeting.

10. MANAGEMENT

- 10.1. The management of the Association shall be vested in the Steering Committee comprising:
- 10.1.1 six (6) individual members elected at the AGM;
 - 10.1.2 representatives from South Australian Aboriginal and Torres Strait Islander communities, including Native Title claimants;
 - 10.1.3 coalition Members - 1 delegate from each;
 - 10.1.4 local ANTaR Groups - 1 delegate from each;
 - 10.1.5 special participants; and,
 - 10.1.6 office bearers.
- 10.2. Steering Committee participants shall not in their capacity as such act as representatives of another organisation.
- 10.3. Every participant on the Steering Committee shall have one vote.
- 10.4. The Steering Committee shall meet as often as may be required to manage the business of the Association and not less than 10 times in each calendar year.
- 10.5. The Steering Committee shall take responsibility for:
- 10.5.1 national liaison;

- 10.5.2 planning of campaigns, events, education and information strategies;
- 10.5.3 informing the SA membership and community of national decisions and policy directions;
- 10.5.4 policy development at state level;
- 10.5.5 merchandising, marketing of products;
- 10.5.6 the day to day management of the ANTaR office; and,
- 10.5.7 co-ordinating Local ANTaR Groups.
- 10.6 The Steering Committee may appoint sub-committees from time to time that will have the delegated authority to perform any of the responsibilities of the Steering Committee.
- 10.7 The Steering Committee shall appoint a Spokesperson from among its members, who shall:
- make statements in accordance with previously agreed policy, or in an emergency following consultation with at least two office bearers; and,
 - issue and make all public statements for the association, unless other arrangements are made by the Steering Committee.
- 10.8 The Steering Committee shall appoint a person to act as National Representative of the Association at national meetings.
- 10.9 A quorum of a Steering Committee Meeting shall consist of five (5) members including one (1) office bearer.
- 10.10 Steering Committee Meetings shall be open for attendance by all members of the Association, but only Steering Committee members have the right to vote.
- 10.11 If at any Steering Committee Meeting there is no quorum within 30 minutes of the time appointed for the meeting, then a majority of members present may decide to adjourn the meeting for a period not exceeding 14 days. The quorum for such adjourned meeting shall be reduced to 2, failing which the meeting will lapse altogether.
- 10.12 Vacancies unfilled or arising in the office bearers or other committee members may be filled by the Steering Committee by co-opting members for the unexpired remainder of the term
- 10.13 The Steering Committee may appoint sub-committees of members and non-members for specific purposes who shall meet as they see fit or as directed by the Steering Committee and who shall report to the Steering Committee.
- 10.14 **Special Participants on the Steering Committee**
- 10.14.1 Special participants refers to individual members or persons who are invited to the Steering Committee for a period of 6 months or less in accordance with the direction of the Steering Committee.

10.14.2 Any special participant on the Steering Committee shall have one vote in relation to any issue before the Steering Committee.

11 OFFICE BEARERS

11.1 The Office Bearers of the Association shall be the State Coordinator, the Secretary, and the Treasurer, who shall be elected by the members at the Annual General Meeting. One person may hold more than 1 position. (See 10.12 for replacement of office-bearers between AGMs.)

12 CESSATION OF OFFICE

12.1 An office bearer or member of the committee shall cease to hold office upon:

12.1.1 resignation in writing;

12.1.2 suspension as a member of the Association; and,

12.1.3 absence for three successive Steering Committee Meetings without an acceptable explanation.

13 STATE CO-ORDINATOR

13.1 Unless otherwise determined by an Annual General Meeting or the Steering Committee, the State Co-ordinator will undertake to see through to implementation Steering Committee responsibilities identified in Clause 10.5.

13.2 The State Co-ordinator will be given assistance, if required, to achieve those tasks.

13.3 The State Co-ordinator will be spokesperson for ANTaR SA, unless otherwise determined by an Annual General Meeting or the Steering Committee. (See also 10.7.)

13.4 State Co-ordinator will carry out other responsibilities as identified in this Constitution (such as deliver an Annual Report to the AGM, see 7.2; work to make for efficient Steering Committee meetings), and undertake other tasks as agreed between the State Co-ordinator and the Steering Committee (and Annual General Meeting).

13.5 The State Co-ordinator will undertake work in pursuit of the objects of the Association.

14 SECRETARY

14.1 The Secretary shall ensure that notice of meetings is given in accordance with the provisions of this constitution.

14.2 The Secretary shall ensure that records are kept of the Association including the constitution and policies, records of members, a register of minutes of meetings and of notices, a file of correspondence, and records of submissions or reports made by or on behalf of the Association.

14.3 In the absence of the Secretary or at the request of the Secretary or of a majority of the meeting another member shall be elected as minutes secretary.

15 **TREASURER**

12.1 The Treasurer shall ensure that all monies received are paid into an account authorised by and in the name of the Association.

15.2 Payments shall be as petty cash or by cheque signed by 2 authorised signatories of whom there shall be no more than 5 appointed by the Steering Committee.

15.3 Major (in excess of \$500) or unusual (non-budgeted) expenditures shall be authorised in advance by the Steering Committee or by the subcommittee to which such power has been delegated by the Steering Committee.

15.4 The Treasurer shall ensure that records are kept of all receipts and payments and other financial transactions. Such records shall be available for inspection by any member.

15.5 The Treasurer shall ensure that financial budgets and statements are prepared and shall submit a report on the finances to each Steering Committee Meeting.

15.6 The Treasurer shall present audited accounts to the Annual General Meeting.

16 **EMPLOYEES**

16.1 An employee of the Association may be a member of the Association or any sub-committee.

16.2 When an employee is also a participant on the Steering Committee that person shall:

16.2.1 abstain from voting on any matter relating to their own employment; and,

16.2.2 remain absent from deliberations relating to any employee if so requested by a majority of the Committee.

17 **AMENDMENT OF CONSTITUTION and RULES**

17.1 This constitution may be repealed or amended by resolution of two-thirds of members present and voting at a General Meeting of which not less than 7 days' written notice including notice of the proposed repeal or amendment has been distributed to all members.

17.2 Rules for the proper administration of meetings or business may be made, repealed or amended by a General Meeting, provided that not less than 7 days' written notice including notice of the proposed new rule, repeal or amendment has been distributed to all members.

18 **LIABILITY, PROPERTY AND DISSOLUTION**

18.1 Persons who by authority accept or incur any pecuniary liability on behalf of the Association shall be held indemnified against any personal loss in respect of such liability.

18.2 The income property and funds of the Association shall be used solely towards the promotion of the objects and shall not be paid or transferred to any members or relatives of members provided that nothing herein shall prevent any payment in good faith to any person in return for services actually rendered or to any person in furtherance of the objects of the Association and without undue preference.

18.3 On dissolution all property remaining after payment of all legal liabilities shall be transferred to such other body formed or promoting similar objects or for charitable objects as shall be approved by the Association provided that:

18.3.1 Such other body shall also prohibit the distribution of income and property to the members to the extent stated herein; and,

18.3.2 If the Association shall have been approved pursuant to Section 30B of the Income Tax Assessment Act, 1997, as a Deductible Gift Recipient then those funds received in that form shall be transferred to such other body also so approved.

18.4 The Association shall not be dissolved except by approval of not less than three-quarters of the members present and voting at a meeting called for that purpose of which not less than one calendar month's written notice including notice of the proposed dissolution has been distributed to all members.

19 **FINANCIAL YEAR**

19.1 The financial year of the Association ends on the 30th June 2000, and thereafter on each 30th June following.

20 **PUBLIC OFFICER**

20.1 The State Co-ordinator shall be the Public Officer who shall notify the Corporate Affairs Commission of such appointment and who shall file such other returns and notices as shall be required by law. The Public Officer shall hold office until another person is appointed to the position by the Steering Committee.

21 **POLICY DEVELOPMENT**

21.1 Policy of the organization shall be set by the Association, and shall be in sympathy with the policy directions of the national body of Australians for Native Title and Reconciliation.

22 **COMMON SEAL**

22.1 The State Coordinator shall ensure the safekeeping of the Common Seal which shall be affixed only by resolution of a General Meeting and in the presence of two members including at least one Office Bearer.

ANTaR SA Protocols for conduct of Aboriginal and non-Aboriginal
committee members - 3 August 2010

INTEGRITY

Our intentions and Our actions

- Committee decisions should be made based on the objects of the constitution for ANTaR SA Inc.
- Endeavour in ANTaR SA committees and activities to give of our best as Aboriginal and non-Aboriginal committee members.
- Conduct ourselves as ANTaR SA Aboriginal and non-Aboriginal members to reflect positively on ANTaR SA Inc in the community.
- Be reasonable, fair, and equitable and support consistent policy for the committee.
- Take the necessary action to avoid conflicts of interest.
- Maintain confidentiality.

RESPECT

How we treat other people

- Treat all Aboriginal and non-Aboriginal members with honesty, courtesy and a due regard for their diligence, commitment and dignity.
- Treat Aboriginal and non-Aboriginal members reasonably and fairly and accord consistent treatment alike to all ANTaR SA Aboriginal and non-Aboriginal members.
- Value the diversity and differences that all the Aboriginal and non-Aboriginal members bring to ANTaR SA, without fear or favour.
- Negotiate fairly and honestly with due tact.
- Take reasonable care to protect the wellbeing and support of ourselves and all Aboriginal and non-Aboriginal members.

ACCOUNTABILITY

Our responsibilities to the Association, its Aboriginal and non-Aboriginal members, and the community

- Provide adequate information in due time to allow all Aboriginal and non-Aboriginal committee members to participate in effective decisions.
- Work to improve our performance, individually and as a group, in ANTaR SA committees and activities.
- Use ANTaR SA resources put at our disposal in an efficient and responsible way.
- Use formal systems and processes appropriately without excessive informality.
- Refrain from making any media statement or comment on behalf of ANTaR SA if we are not the delegated person.

- Assess committee situations without personalising difficulties and identify solutions that are fair and reasonable.
- Be aware of the effect our demeanour, words and conduct may have for other Aboriginal and non-Aboriginal members involved.
- Check our behaviour against the constitution, relevant protocols and policies.
- Respect professional advice outside our expertise and become better informed as necessary in those situations.
- Consider whether our personal interests conflict with the stated interests of ANTaR SA under the constitution.

ANTaR SA aims to provide the following to Aboriginal and non-Aboriginal committee members:

- training and development in the objects of the association;
- exchange of ideas and lessons about furthering those objects;
- flow of information to and from Aboriginal and non-Aboriginal members about ANTaR SA business, and;
- commitment and support for implementing decisions with committee camaraderie.
- a culturally appropriate working environment to advance the expression of Aboriginal Voices within ANTaR SA and its activities and processes.

Brief description of ANTaR SA:

ANTaR SA, Australians for Native Title and Reconciliation (South Australia) Inc, is a coalition of Aboriginal and non-Aboriginal community people and community organisations.

ANTaR formed in 1997 as a response to the Federal Howard Government's 10 point plan to cut the native title rights of Aboriginal and Torres Strait Islander Australians. The ANTaR coalition worked to raise understanding about native title rights, and about 'reconciliation' more broadly. ANTaR became a leader in the peoples' movement for reconciliation.

Initially we focused on supporting the native title rights of Aboriginal Australians.

We continued through the 1998 native title amendments, which made it even more difficult for Aboriginal and Torres Strait Islander Australians to prove their native title rights. It was already very difficult.

ANTaR has continued to support genuine land rights for Aboriginal Australians, and more generally, we have continued to support efforts towards respect and recognition of all the legitimate rights of Aboriginal and Torres Strait Islander Australians.

We supported the campaign in the early 2000s for a process to consider a treaty, or treaties; a genuine process of negotiation with Aboriginal and Torres Strait Islander Australians about a more just and fair recognition of the First Australians.

ANTaR SA has supported Aboriginal South Australians voice their concerns about their human rights, including at a series of events through the 2000s commemorating International Human Rights Day.

We support moves toward a genuine reconciliation, meaning social justice for Aboriginal and Torres Strait Islander Australians. Under the 'practical reconciliation' policies and rhetoric of the Howard Government, the situation for Aboriginal and Torres Strait Islander Australians deteriorated, rather than improve as it should in such a wealthy country as Australia. It could have if Government had followed the lead of the High Court in their Mabo judgement of June 1992, and set about resolving by negotiation and agreement the issues still outstanding from the colonisation of these lands by the British, 223 years ago.

It is of much interest that the Chief Justice of the High Court of Australia, Justice French, believes that Australia can have treaties with Aboriginal and Torres Strait Islander Australians, contra the rhetoric of the previous PM, John Howard.

In South Australia's case, official colonisation in terms of founding the colony, can be seen as having commenced with the Letters Patent of February 1836, (175 years ago, as at mid 2011).

These Letters Patent defined the boundaries of the Province of South Australia, and most significantly included this provision:

... Provided Always that nothing in those our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own Persons or in the Persons of their Descendants of any Lands therein now actually occupied or enjoyed by such Natives ...

South Australian Aboriginal people who know about this document believe the intentions of this foundation document need to be honoured. Some have been raising this document with Government for many years.

Through our work with South Australian Aboriginal people around supporting their demands for recognition of their human rights as the First Australians, ANTaR SA has supported the creation of an Aboriginal Alliance Coalition Movement (AACM) in South Australia. The central focus of the AACM is the Letters Patent. (There is a copy of this document and related material on our website)

ANTaR SA is part of the national people's movement for genuine reconciliation and recognition of Indigenous Australians' rights. ANTaR's work has been the result of the efforts and donations of thousands of Australians, and a broad coalition of non-Government community organisations at national and state levels. ANTaR SA has an annual membership fee. Please visit our website for contact details - <http://antarsa.auspics.org.au>.