

**THE CONSTITUTION  
OBJECTS AND RULES OF  
PITJANTJATJARA YANKUNYTJATJARA  
MEDIA (ABORIGINAL CORPORATION)**

---

**THE CONSTITUTION  
OBJECTS AND RULES OF  
PITJANTJATJARA YANKUNYTJATJARA MEDIA  
(ABORIGINAL CORPORATION)**

**Table of Contents**

---

1.	INTERPRETATION .....	2
2.	NAME .....	2
3.	TYPE OF ASSOCIATION .....	2
4.	LIABILITY OF MEMBERS.....	2
5..	REGISTERED OFFICE .....	3
6.	OBJECTS:.....	3
7.	POWERS .....	4
8.	SEAL .....	4
9.	MEMBERSHIP .....	5
10.	ANNUAL GENERAL MEETINGS, GENERAL MEETINGS & SPECIAL GENERAL MEETINGS.....	5
11.	EXECUTIVE COMMITTEE .....	6
12.	MEETINGS AND PROCEEDINGS OF THE COMMITTEE.....	7
13.	APPOINTMENT OF PUBLIC OFFICER.....	8
14.	ACCOUNTS. ....	8
15.	CONFLICT OF INTEREST.....	8
16.	BANKING .....	9
17.	APPLICATION OF FUNDS .....	9
18	AUDIT.....	9
19.	NOTICES .....	10
20.	WINDING UP: .....	10
21.	ALTERATIONS OF OBJECTS AND RULES .....	10
22.	CHANGE OF NAME.....	10
23.	DISPUTES .....	10

**THE CONSTITUTION OBJECTS AND RULES OF  
PITJANTJATJARA YANKUNYTJATJARA MEDIA (ABORIGINAL CORPORATION)**

**1. INTERPRETATION:**

1.(1) In these rules unless the context otherwise requires:

**"Aboriginal"** means all adult Pitjantjatjara, Yankunytjatjara and Ngaanyatjarra persons who are normally resident in any one of the member communities.

**"Act"** means the *Aboriginal Councils and Associations Act 1976*.

**"Committee"** means the Executive Committee as provided for in these rules.

**"Member Communities"** means all communities named in Clause 11.(2)(a) (Aputula, Amata, Murpitja, Kalka, Pukatja, Mimili, Fregon, Indulkana, Wattarru, Imanpa, Pipalyatjara, yanyarini, Mutijulu and Docker River) and any other community or homeland located within the land owned by Anangu Pitjantjatjara which the Executive Committee approves from time to time.

**"Minister"** means the minister of Aboriginal Affairs of the Commonwealth or any other Minister of State for the Commonwealth who may for the time being be responsible for Aboriginal Affairs.

**"Public Officer"** means the person appointed by the Committee to be the public officer as defined by the Act;

**"Registrar"** means the person appointed by the Minister under the Act to be the Registrar of Aboriginal Corporations;

Words importing the singular number shall include the plural and vice-versa and words importing the masculine gender shall include the feminine and vice-versa.

1.(2) Expressions used in these rules have the same meanings as those ascribed to them by the Act.

**2. NAME:**

2. The name of the Association is Pitjantjatjara Yankunytjatjara Media (Aboriginal Corporation) (hereinafter called PY Media).

**3. TYPE OF ASSOCIATION:**

3. PY Media is an Incorporated Aboriginal Association under the *Aboriginal Councils and Associations Act 1976*.

**4. LIABILITY OF MEMBERS:**

4. The members are not liable to contribute towards the payment of the debts and liabilities of the Association.

**5.. REGISTERED OFFICE:**

5. The registered office shall be at the official address of the Public Officer notified to the Registrar in accordance with Section 57 of the Act.

**6. OBJECTS:**

6. The central object of the Association is the relief of poverty, sickness, helplessness, serious economic disadvantage and social distress of its members. In recognition of the severe problems encountered by Aboriginal people in gaining access to information, important to their communities in the area of Health, Education, Law and Social Services; and in the receipt by Aboriginal people of Media Services, that have relevant cultural and social foundations, the Association shall have the following objects:
- (1) In recognition of the severe problems encountered by the member Aboriginal people and the disadvantaged circumstances in which they find themselves, the Association shall advance its central object by:
  - (2) To provide a broadcasting and information service to Pitjantjatjara, Ngaanyatjarra and Yankunytjatjara people by Pitjantjatjara, Ngaanyatjarra and Yankunytjatjara people within and about the communities and throughout Central Australia.
  - (3) To provide an educational broadcasting service in the areas of Health, Law, Social Security and items of public interest, and in so doing attempt to overcome the problem of low literacy levels existent within the communities and in and about Central Australia.
  - (4) To arrest social disintegration within the communities by the broadcast of programs in Aboriginal languages with emphasis upon Aboriginal Traditional Culture and music.
  - (5) To assist in alleviating significant economic problems that exists within Aboriginal communities by the dissemination of information in relation to employment opportunities and work programs.
  - (6) To promote knowledge, and understanding by the Australian community of Aboriginal culture and tradition and of the special difficulties experienced by Aboriginal people as a minority within that community.
  - (7) To engage in and conduct, research into areas of application of the broadcasting media to and for the benefit of Aboriginal people.
  - (8) To ensure access by Aboriginal people to existing and forthcoming communication facilities in order that they may benefit in accordance with its objects.
  - (9) To record and preserve Aboriginal oral history and music.
  - (10) To encourage the preservation and practice of traditional aboriginal Law and Ceremonies.
  - (11) To employ and train Aboriginal people in the areas of broadcasting and the electronic media.

- (12) To work with other organizations both Aboriginal and non-aboriginal whether incorporated or not to achieve its objects.
- (13) To ensure rebroadcast facilities of television are available to the residents of all communities.
- (14) To provide guidance to all communities and make decisions about rebroadcast programming in accordance with these objects.
- (15) To assist other Yankunytjatjara, Pitjantjatjara and Ngaanyatjarra Communities to establish media services.
- (16) To assist Anangu Pitjantjatjaraku to carry out its responsibilities under the Pitjantjatjara Land Rights Act.
- (17) To ensure the safety, confidentiality and preservation of secret sacred recorded material.

## **7. POWERS:**

- 7. (a) The Association shall, subject to the provisions of the Act, have power to do all such lawful things as may seem to the Committee necessary or desirable to carry out the Associations objects.
- (b) Without limiting the generality of clause 7(a) hereof, to raise, borrow, invest, donate, expend or lend funds, acquire and dispose of any form of property, employ staff, enter into contracts and establish companies.

## **8. SEAL:**

- 8.(1) The Association shall have a common seal upon which shall be inscribed the name of the Association and the words "Common Seal".
- 8(2) The Seal shall be kept in such safe custody as directed by the Committee.
- 8.(3) Every document to which the common seal is affixed shall be countersigned by the Chairperson and the Secretary or such other persons as the Committee shall appoint for that purpose in the following form:

The Common Seal of  
 PITJANTJATJARA YANKUNYTJATJARA MEDIA (ABORIGINAL CORPORATION)  
 was affixed hereto this                      day of 20                      in our presence pursuant to a  
 resolution of the committee passed on the                      day of  
  
 CHAIRPERSON  
 Committee Member

**9. MEMBERSHIP:**

- 9.(1) Membership of the Association shall be open to adult Aboriginal persons as defined by these Objects and Rules who are normally resident in the member communities
- 9.(2) The members of the Association shall be those persons of Aboriginal descent who apply to the inaugural or subsequent meetings and who the Committee decide may be admitted to membership. A register of members for the time being shall be kept by the Public Officer.
- 9.(3) All members shall be entitled to attend, speak and vote at general meetings of the Association and be eligible for appointment as office bearers or members of the Committee.
- 9.(4) A member shall cease to be a member –
- (a) if that member shall die.
  - (b) if that member shall by notice in writing resign from membership, or
  - (c) if that member shall, by a resolution passed by a majority of less than three-fourths of a general meeting, be expelled from the Association on the ground that a charge of conduct detrimental to the Association has been proved.
- 9.(5) Written notice of a proposed resolution to expel a member be forwarded to the member not less than twenty-one days before the date of the general meeting at which the resolution be moved, and he shall be given opportunity of being heard at the meeting.

**10. ANNUAL GENERAL MEETINGS, GENERAL MEETINGS and SPECIAL GENERAL MEETINGS**

- 10.(1) There shall be an Annual General Meeting of the Association once in every calendar year.
- 10.(2) The business of the Annual General Meeting shall be:
- (a) to confirm the minutes of the last general meeting, whether the annual general meeting or a special general meeting;
  - (b) to receive a report from the Chairperson or a person appointed by the Chairperson of the Association's affairs and activities since the last Annual General Meeting or Special General Meeting;
  - (c) to hear from the Finance Manager on the finances of the Association for the year ending on the finances of the Association for the year ending on the preceding 30<sup>th</sup> June;
  - (d) to confirm the election of the Members of the Committee;
  - (e) to appoint auditors for the next year; and
  - (f) such other items of business as the members may wish to deal with.

- 10.(3) Any ten members of the Association or of the Committee may call for a meeting of the Association (called a "Special General Meeting") to be held. The Chairperson shall arrange for the Special General Meeting to be held not more than one month from the date of receipt of the request for the meeting.
- 10.(4) Subject to these rules notice of the place, date and time of every annual general meeting as decided by the Committee shall be given to the members of the Association at least 14 days before the date of the meeting by any means the Committee considers appropriate. In the case of special general meetings the notice must state what sort of things are to be discussed.
- 10.(5) There must be twenty members present, before business can be carried out at an annual general meeting and special general meeting.
- 10.(6) The Chairperson of the Committee shall preside at all annual general meetings and special general meetings of the Association, but if he/she is not present or does not wish to take the chair at a meeting, then the members present shall choose the Chairperson of the meeting.
- 10.(7) Decisions at annual general meetings and special general meetings shall be made by consensus of the members of the Association.
- 10.(8) Minutes of the annual general meetings and special general meetings shall be made and kept in a Minute Book.

## **11. EXECUTIVE COMMITTEE**

- 11.(1) The Executive Committee of the Association shall be a committee of not less than 14 members. The Committee shall be comprised of members from the Member Communities.
- 11.(2) The objects of the Association shall be carried out by a Committee and to carry out those objects the Committee shall have the same powers as are granted to the Association by these rules, but the Committee may only act in conformity with resolutions or decisions of the Association made in general meetings.
- 11.(3) (a) Members of the Association from each of the following member communities can nominate one member to the Committee and that nomination shall be confirmed at the annual general meeting: Finke, Murpitja, Kalka, Pukatja, Amata, Mimili, Fregon, Indulkana, Wattarru, Imanpa, Pipalaytjatjara, Yunyarinyi, Mutitjulu and Docker River
- (b) At the first meeting of the Committee after the Annual General Meeting the members shall elect a Chairperson and a Vice Chairperson from amongst their number. The election of each member of the Committee shall be confirmed at each Annual General Meeting in accordance with Clause 10.(2)(d).
- 11.(4) One month prior to the Annual General Meeting, the Corporation shall cause to be held in each Community a meeting of that Community for the purpose of that Community selecting nominees who shall become members of the Pitjantjatjara Yankunytjatjara Media (Aboriginal Corporation) Committee.
- 11.(5) The following procedures shall apply in respect of the calling and holding of the Community meetings:-

The Corporation shall give to each community fourteen (14) days prior written notice of:-

- i) the date of the proposed community meeting;
- ii) the time when the proposed community meeting is to be held;
- iii) the place or venue where the proposed community meeting is to be held in the location where the community is situated;
- iv) the purpose of the proposed community meeting.

- 11.(6) A member of the Committee shall hold office for one year but may be re elected by his member community for further years. A member of the Committee can not be an employee of PY Media. Subject to these rules, the objects of PY Media shall be carried out by the Committee and to carry out those objects the Executive shall have the same powers as are granted to PY Media by these rules
- 11.(7) Where an Committee member ceases to be an Committee member for whatever the reason other than not being re-elected, the Committee shall nominate a replacement and that person will be a member of the Committee until the next Annual General Meeting.
- 11.(8) The member or members appointed by the Committee shall be selected from the community or communities from which the vacancy or vacancies occurred.
- 11.(9) Any vacancy in the office of an office bearer may be filled by the Committee. The member of the Committee elected in this way shall retain the office of office bearer until the next election of office bearers and shall be eligible for re-election.

## **12. MEETINGS AND PROCEEDINGS OF THE COMMITTEE.**

12. (1) The Committee will meet at least once every three months.
- 12.(2) If a member of the committee is unable to attend, he is entitled to appoint another member as an alternate committee member. A notice in the form set out in Appendix 1 of these rules shall be given to the secretary prior to the commencement of the committee meeting for which the alternate committee member has been appointed.
- (a) An alternate committee member may exercise any powers that the appointer may exercise and the exercise of any such power by the alternate committee member shall be deemed to be an exercise of the power by the appointer.
  - (b) The appointment of an alternate committee member may be terminated at any time by the appointer notwithstanding that the period of appointment of the alternate committee member has not expired. The appointment is terminated if the appointer vacates office as a committee member.
  - (c) No member shall be an alternate committee member for more than one committee member at a time.
- 12.(3) There must be at least half of the Committee present in person to constitute a quorum of the Executive before business can be carried out.

- 12.(4) The Chairperson shall preside at all meetings of the Committee, but if there is no Chairperson or if he is not present or does not wish to take the Chair, the Vice will take the chair if not the Committee members present shall choose a Chairperson for the meeting.
- 12.(5) Decisions at Committee meetings shall be made by majority vote of Committee members, including alternate committee members who may be present.
- If an urgent decision on a matter is needed to be taken to the Committee, the Committee may discuss and decide the matter on the telephone or utilizing available method of communications including radio in all respects as though they were meeting together in person.
- 12.(6) Minutes of Committee meetings shall be made and kept in a Minute Book.

### **13. APPOINTMENT OF PUBLIC OFFICER**

- 13.(1) The Committee shall, within three weeks after incorporation, appoint a person to be the Public Officer of the Association pursuant to Section 56 of the Act and determine an official address for the person from time to time holding that office.
- 13.(2) The Public Officer may be a member of the Association, but need not be one.

### **14. ACCOUNTS.**

- 14.(1) The Committee shall:
- (a) Arrange for proper accounts and records of the transactions and affairs of the Association to be kept, and shall do all things necessary to ensure that all payments out of the money received by the Association are correctly made and properly authorized, and that adequate control is maintained over the assets of, or in the custody of, the Association and
  - (b) As soon as practicable after each 30<sup>th</sup> June arrange to be prepared a statement of the accounts of the Association (including an income and expenditure statement and balance sheet) and shall present it with an auditor's report thereon to the Annual General Meeting of the Association.
- 14.(2) The Accounting records shall be kept in such a manner as will enable true and fair accounts of the Association to be prepared from time to time, and for these accounts to be conveniently and properly audited in accordance with the Act.
- 14.(3) The accounting records shall be available at all reasonable times for inspection at the official address by any Committee members of the Association or other person authorized or permitted under the Act.

### **15. CONFLICT OF INTEREST**

- 15.(1) A Committee member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee shall, as soon as possible after the relevant facts have come to the Committee member's knowledge, disclose the nature of the interest at the meeting.

- 15.(2) A disclosure under Sub-Clause 1 shall be recorded in the Minutes of the Meeting and the Committee member shall not;
- 15.(3) be present during any deliberation of the Committee with respect to that matter; or
- 15.(4) Take part in any decision of the Committee of that matter.

#### **16. BANKING:**

- 16.(1) All money of the Association shall be deposited in the first instance in such bank accounts kept in the name of the Association as are considered by the Committee to be necessary.
- 16.(2) All cheques, withdrawal forms and other similar banking documents shall be signed by not less than two of the persons appointed by the Committee for that purpose.

#### **17. APPLICATION OF FUNDS:**

- 17.(1) The funds of the Association shall be applied in carrying out the objects of the Association. Any surplus resulting from its operations during a financial year, after providing for depreciation in value of the Association's property and for possible liability or loss, shall at the end of the financial year be applied as follows.
- (a) In carrying to reserve such amount as the Committee may determine.
  - (b) After providing for a reserve any remaining surplus may be applied.
    - (i) to promote the Association's development or
    - (ii) to any other Aboriginal Association or Aboriginal controlled Body Corporate or Institution approved for the purposes of Section 78 (i)(a) of the Income Tax Assessment Act.
- 17.(2) No funds of the Association or surplus shall be paid or used directly or indirectly by way of dividend, bonus or otherwise by way of profit to any member excepting any proper payment to any officer or employee of the Association for services performed for the Association.

#### **18. AUDIT:**

- 18.(1) The accounts of the Association shall be audited annually.
- 18.(2) An auditor registered as a company auditor under the law of a State or Territory shall be appointed at each Annual General Meeting to hold office until the next Annual General Meeting.
- 18.(3) The first auditors of the Association may be appointed by the Committee before the first Annual General Meeting, and if so appointed, shall hold office until the first Annual General Meeting.
- 18.(4) The remuneration of the auditors of the Association shall be fixed by the committee.

- 18.(5) The auditors shall give their report pursuant to subsection 59(3) of the Act to the Committee with respect to their examination of the income and expenditure statement and balance sheet.

### **19. NOTICES:**

19. A notice may be given by the Association to its member/members either by notification in writing delivered personally or sent by post or telegram addressed to each of the Communities and to the members of the Committee or in such other manner as the Committee may think appropriate.

### **20. WINDING UP:**

- 20.(1) The winding up of the Association shall be in accordance with the Act.
- 20.(2) In the even of the Association being wound up any monies received by the Association from the Commonwealth that have not been applied or that have been improperly applied, shall on request by the Minister, be repaid by the Association to the Commonwealth.
- 20.(3) "Any surplus funds, property or assets shall, after payment of the Association's debts be given or transferred to another Aboriginal Association or Aboriginal controlled Body Corporate or institution approved for the purposes of Section 78(1)(a) of the "*Income tax Assessment Act*".

### **21. ALTERATIONS OF OBJECTS AND RULES:**

- 21.(1) The objects and rules of the Association may be altered by consensus of members of the Association present at a general meeting of the Association. Notice of the proposed alterations must be given to the members before the meeting.
- 21.(2) The Public Officer shall, pursuant to Sections 52 and 54 of the Act, within six weeks after the making of the alteration, file with the registrar notification of the alteration.
- 21.(3) The alteration shall not take effect unless and until approved by the Registrar.

### **22. CHANGE OF NAME.**

- 22.(1) The Association may change its name to any new name that has been approved by the Registrar.
- 22.(2) The Public Officer shall, pursuant to Section 53 of the Act, file with the Registrar a notification of the change.

### **23. DISPUTES**

If a dispute arises between the Association and any member, then at the request of that member the matter will be considered at the next Annual General Meeting of the Association at which the member will be invited to put forward his point of view. The decision of the members present at the General Meeting (excluding the member involved in the dispute) shall be final and binding on all parties.

**FORM OF APPOINTMENT OF ALTERNATE**

**Rule 12.(2)**

I,

\_\_\_\_\_  
*(Full name of appointer)*

of

\_\_\_\_\_  
*(address)*

being a member of the governing committee of

\_\_\_\_\_  
*(name of Aboriginal Corporation)*

hereby appoint

\_\_\_\_\_  
*(full name of alternate)*

of

\_\_\_\_\_  
*(address)*

who is a member of that Aboriginal Corporation, as my alternate to vote for me on my behalf at any Committee meeting and at any adjournment of such meeting for the period

\_\_\_\_\_ 200\_\_\_\_\_ to \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
*Signature of Appointer*

Date \_\_\_\_\_

**NOTE:** An alternate cannot be a person who is not a member of the corporation.