

1992—No. 414

ASSOCIATIONS INCORPORATION ACT 1984—REGULATION

(Relating to forms and other administrative matters)

NEW SOUTH WALES



[Published in Gazette No. 93 of 31 July 1992]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Associations Incorporation Act 1984, has been pleased to make the Regulation set forth hereunder.

(Mrs) KERRY CHIKAROVSKI,
Minister for Consumer Affairs.

Commencement

1. This Regulation commences on 1st August, 1992.

Amendments

2. The Associations Incorporation Regulation 1985 is amended:
 - (a) by omitting from clause 3 (1) the definition of “the Code”;
 - (b) by inserting at the end of clause 4 the following subclause:
 - (2) The form approved by the Commissioner under section 55A of the Act (being the form of an application by an incorporated association to have the incorporation of the association cancelled by the Commissioner) is, unless the Commissioner approves another form, the form set out as Form 23 in Schedule 3.
 - (c) by omitting from clauses 5, 6, 8, 12, 13, 15 (1) (a) and (h), 16 and 17, rules 22 (3) and 30 in Schedule 1 and items 9, 10 and 11 of Schedule 4 the word “Commission” wherever occurring and by inserting instead the word “Commissioner”;

(d) by inserting after clause 13 the following clause:

Register of committee members—prescribed particulars

13A. For the purposes of section 21A (2) (c) of the Act, the following particulars are prescribed:

- (a) the names of any members of the committee of the incorporated association who hold the positions (if any) of president, vice-president, secretary and treasurer of the incorporated association;
- (b) the date on which any such member was elected to such a position;
- (c) the date on which any such member ceased to hold such a position.

(e) by omitting from clause 15 (1) the words “Divisions 3, 4 and 6 of Part XII of the Code, including any regulations made under the Code for the purposes of those provisions” and by inserting instead the words “Parts 5.5, 5.6 and 5.7 and sections 1337 and 1341 of the Corporations Law, including any provisions of the Corporations Regulations made for the purposes of those Parts or sections”;

(f) by omitting from clause 15 (1) (b) the words “section 396 (4) of the code” and by inserting instead the words “section 495 (4) of the Corporations Law”;

(g) by omitting from clause 15 (1) (g) the word “Commission” where secondly occurring and by inserting instead the word “Commissioner”;

(h) by omitting clause 15 (1) (i) and by inserting instead the following paragraph:

- (i) the provisions apply as if sections 507, 556 (1) (i), 557, 572 (1) and (2), 582 (3) and 583 (c) (iii) were repealed;

(i) by omitting from clause 15 (1) (k) the words “section 403 of the Code” and by inserting instead the words “section 501 of the Corporations Law”;

(j) by omitting from clause 15 (2) the word “Code” wherever occurring and by inserting instead the words “Corporations Law”;

(k) by omitting from clause 15 (2) the matter “section 417” and by inserting instead the matter “section 532”;

(l) by omitting clause 15 (3) and by inserting instead the following subclause:

- (3) The Corporations Regulations apply with such further modifications as the Commissioner may direct.

(m) by inserting after clause 18 the following clause:

Transitional—modification of provisions of Companies (New South Wales) Code

19. A provision of this Regulation that was in force immediately before 1 August 1992 and which modified the provisions of the Companies (New South Wales) Code (as applied by the Act) in relation to matters affecting associations, continues to operate in relation to such matters that arose before, and are still current at, 1 August 1992 despite any amendment to the provision made after that date.

(n) by omitting from rule 1 (3) in Schedule 1 the matter “1897” and by inserting instead the matter “1987”;

(o) by inserting after rule 9 in Schedule 1 the following rule:

Resolution of internal disputes

9A. Disputes between members (in their capacity as members) of the association, and disputes between members and the association, are to be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983.

(p) by omitting from rule 17 (c) in Schedule 1 the words “Companies (New South Wales) Code” and by inserting instead the words “Corporations Law”;

(q) by inserting in rule 18 (2) in Schedule 1 after the words “or, if the” the word “representations”;

(r) by omitting from rule 20 (5) in Schedule 1 the words “of thing” and by inserting instead the words “or thing”;

(s) by omitting from rule 22 (2) in Schedule 1 the matter “2 months” and by inserting instead the matter “6 months”;

(t) by omitting rules 41 and 45 from Schedule 1;

(u) by omitting from Schedule 2 the following matter:

Section 21 (2) (notice of change in membership of committee)	7
Section 28 (particulars of trusts)	13

(v) by omitting Forms 1, 11, 12 and 18 from Schedule 3 and by inserting instead the following forms:

1992—No. 414**Form 1****APPLICATION FOR INCORPORATION OF ASSOCIATION**ASSOCIATIONS INCORPORATION ACT 1984
(Section 9)DOCUMENT TO BE
COMPLETED IN BLACK INK
*Delete if not applicableTo the Commissioner
for Consumer AffairsRegistration No: Y 1.I
(Full name in BLOCK letters)of
(Usual residential address)

make application for the incorporation of:

..... Incorporated
(Insert proposed name of association)

under the provisions of the Associations Incorporation Act 1984. (note 1)

2. (a) The formation of the association is

* a proposed (new) association OR
* a currently unincorporated association known as:.....
(insert name of unincorporated association)

The proposed name is currently reserved:

Reservation Number: Expiry Date:

(b) The principal place of administration of the proposed incorporated
association will be: (note 2).....
(c) The rules of (he proposed incorporated association will be*/will not
be* the model des: (note 3)

3. The objects of the proposed incorporated association are: (note 4)

.....
.....
.....

4. The principal activities of the association are*/are likely to be*: (note 5)

.....
.....
.....

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5. The INCOME of the association is*/is likely to be *\$ per annum which is derived*/is likely to be derived* from the following sources: (note 6)

.....

The EXPENDITURE of the association is*/is likely to be* \$ per annum.

6. The number of persons employed*/likely to be employed by the association is*/is likely to be*

7. The persons with whom the association deals*/is Likely to deal with* are principally:

.....

(members of the association, members of similar associations, members of the public etc.)

8. The association is*/has made application to become* a charity registered under, or exempted from registration by or under the Charitable Collections Act 1934.

9. Particulars of property held by a person (other than in trust) for and on behalf of or for the objects of the *proposed association/*currently unincorporated association are as follows: (note 7)

Description of property	Approx. value	Name and address of person holding property

10. Particulars of mortgages, charges and other securities of any description affecting any property of the *proposed association/*unincorporated association referred to in 2 (a) at the date of the application are as follows: (note 8)

Description of mortgage or other security	Description of property affected	Amount of indebtedness at date of application	Name and address of holder of mortgage, security etc.

STATUTORY DECLARATION

I solemnly and sincerely declare that:

1. I am duly authorised to apply for the incorporation of

..... Incorporated
(insert name of proposed incorporated association)

in accordance with section 8 of the Associations Incorporation Act 1984.

2. The particulars contained above are true.

3. A copy of the rules*, deed(s)*, or instrument(s)* signed by me for the purpose of identification and accompanying this application are true copies of the documents of which they purport to be copies.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900.

Subscribed and declared by me

at this day of 19

..... (signature of applicant) (name of signatory in BLOCK letters)

before me

.....

(Justice of the Peace)

Please refer to "How to Incorporate Checklist" before lodging form with the Commissioner for Consumer Affairs.

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NOTES TO ASSIST IN COMPLETION OF FORM

1. A current reservation of name reply slip is also required.
2. Specify the full address, including the number of the room and the floor level of the building (where applicable). If there is no principal place of administration insert the residential address of the public officer.
3. If the model rules are not adopted, a copy of the rules to be adopted, being rules that comply with section 11 of the Act, must be lodged with the application.
4. An example of an object of an association may be “to promote a particular sport in a district”.
5. An example of principal activities may be “the conducting of social functions”.
6. Refer to Direction E below.
7. Insert details of property in which members of the association have a disposable interest eg. shares or stocks in the capital of the association.
8. If there are no mortgages, charges, etc., insert “NIL”.

DIRECTIONS

- A. All copies of documents which are attached to the application must be signed by the applicant for the purposes of identification.
- B. Section 22 of the Act provides that unless the rules of the incorporated association otherwise provide, the first public officer of an incorporated association is the person upon whose application the association was incorporated.
- C. The first public officer of the incorporated association must, within 14 days after becoming public officer, give notice of becoming public officer to the Commissioner for Consumer Affairs by lodging Form 9.
- D. An incorporated association must have at least 5 members.
- E. The Commissioner for Consumer Affairs may refuse to incorporate an association if the Commissioner is satisfied that it would be inappropriate or inconvenient to do so by reason of the Commissioner’s assessment of the likely scale or nature of the activities of the association, the likely value or nature of the property of the association, or the extent or nature of its dealings or likely dealings with the public.
- F. If the space provided for a particular purpose in a form is insufficient to contain all the required information in relation to a particular item, that information is to be set out in an annexure to the form. An annexure to a form must have an identifying mark and be endorsed with the following words, appropriately completed and signed by each person signing the form to which the document is annexed:

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This is the annexure of pages marked “.....”
 (insert number of pages) (insert identifying mark)

referred to in the
 (insert description of form)

signed by me and dated
 (insert date)

.....
 (Signature(s))

The pages in an annexure must be numbered consecutively*. If a document, copy of a document, or other matter is annexed to a form, reference made in the form to the annexure must be by its identifying mark, the number of pages in it, and a brief description of the nature of the document and its contents.

RETURN COMPLETED FORM TO:

Level 4, 175 Castlereagh Street, Sydney OR
 P.O. Box 972 Parramatta NSW 2124

Enquiries (02) 286 0009

Lodged by:
 Address:

 Phone: ()

Lodged with the Commissioner of
 Consumer Affairs on

Form 11

**APPLICATION FOR EXTENSION OF TIME FOR
 HOLDING ANNUAL GENERAL MEETING OR LODGING
 STATEMENT**

ASSOCIATIONS INCORPORATION ACT 1984
 (Section 26 (3) or 27 (2))

DOCUMENT TO BE
 COMPLETED IN BLACK INK
 +Delete if not applicable

To the Commissioner
 for Consumer Affairs

Registration No. Y

..... INCORPORATED
 (name of association)

1. I (notes 1 & 2)
 (Full name of public officer in BLOCK letters)

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of
(Usual residential address)

hereby make application for and on behalf of the above association for:

A. An extension of time for the holding of its annual general meeting, pursuant to section 26 (3) of the Act.

It is requested that the time period be extended to 19

OR

B. Permission to hold the annual general meeting which is required by section 26 (1) of the Act due to be held in the calendar year 19 to be now held in the calendar year 19

The reason(s) why I am making the above application *is/are:

.....
.....
.....
.....

OR

C. An extension of time for lodging the statement required by section 27 (1) of the Act.

The reason(s) why the extension of time is requested *is/are:

.....
.....
.....
.....

Dated this day of 19

.....
(signature of public officer)

.....
(name of signatory in BLOCK letters)

RETURN COMPLETED FORM TO:

Level 4, 175 Castlereagh Street, Sydney OR
P.O. Box 972 Parramatta NSW 2124

Enquiries (02) 286 0009

Lodged by:
Address:
.....
Phone: ()

Lodged with the Commissioner for
Consumer Affairs on

Form 12**ANNUAL STATEMENT**

ASSOCIATIONS INCORPORATION ACT 1984
(Section 27 (1))

DOCUMENT TO BE
COMPLETED IN BLACK INK
*Delete if not applicable

To the Commissioner
for Consumer Affairs

Registration No.: Y

..... Incorporated
(name of incorporated association)

1. The last financial year of the incorporated association ended on the day of 19
2. The date of the annual general meeting was the day of 19
3. *An extension of time to hold the annual general meeting was granted by the Commissioner for Consumer Affairs.
4. *An extension of time to lodge the statement concerning the annual general meeting was granted by the Commissioner for Consumer Affairs.
5. Particulars of the income and expenditure of the incorporated association during the financial year are:

.....
.....
.....
.....
.....
.....

6. Particulars of the assets and Liabilities of the incorporated association at the end of the financial year are: (note 1)

.....
.....
.....
.....
.....

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7. Particulars of mortgages, charges and other securities of any description affecting the property of the incorporated association as at the end of the financial year are:

Description of mortgage, charge or other security	Description of Property affected	Amount of indebtedness at end of financial year	Name and address of holder of mortgage, security etc.

8. Details of insurance (please refer to Direction A)

Policy Type	Policy No.	Insurer	Amount \$	Expiry Date

CERTIFICATE AS TO FINANCIAL AFFAIRS

9. In the opinion of the members of the committee:

- (a) The particulars set out in items 5–8 above are not misleading and give a true and fair view of the matters to which those particulars relate; and
- (b) There are reasonable grounds to believe, at the date of this statement, that the association will be able to pay its debts as and when they fall due.

Signature of two members of the committee:

..... (signature) (signature)

..... (Name in BLOCK letters) (Name in BLOCK letters)

..... (Address) (Address)

10. CERTIFICATE BY MEMBERS OF THE COMMITTEE

I of
 (full name in BLOCK letters)

.....
 (usual residential address)

AND

I of
 (full name in BLOCK letters)
 certify that
 (usual residential address)

(a) We are members of the committee of
 Incorporated
 (name of incorporated association)

(b) We attended the annual general meeting of the association held on the
 day of 19.....

(c) We are authorised by the attached resolution of the committee to sign
 this certificate (see Direction C).

(d) This annual statement was submitted to the members of the
 association at its annual general meeting.

Dated this day of 19.....

.....
 (signature of committee member)
 (signature of committee member)

.....
 (name of signatory in BLOCK letters)
 (name of signatory in BLOCK letters)

NOTES TO ASSIST IN COMPLETION OF FORM

1. Insert particulars of assets and liabilities under headings appropriate to the association's activities.

DIRECTIONS

- A. A certificate from the association's approved insurer, verifying the details set out in Item 8, MUST be attached to this statement.
- B. This notice must be lodged with the Commissioner for Consumer Affairs together with the prescribed fee within one month after the date of the annual general meeting of the association.
- C. Section 27 (1) (c) of the Act requires that a copy of the terms of any resolution passed at the annual general meeting concerning this statement be attached to this statement.

D. If the space provided for a particular purpose in a form is insufficient to contain all the required information in relation to a particular item, that information is to be set out in an annexure to the form. An annexure to a form must have an identifying mark and be endorsed with the following words, appropriately completed and signed by each person signing the form to which the document is annexed:

This is the annexure of pages marked “.....”
(insert number of pages) (insert identifying mark)

referred to in the
(insert description of form)

signed by me and dated
(insert Date)

.....
(Signature(s))

The pages in the annexure shall be numbered consecutively. If a document, copy of a document, or other matter is annexed to a form, reference made in the form to the annexure must be by its identifying mark, the number of pages in it, and a brief description of the nature of the document and its contents.

RETURN COMPLETED FORM TO:

Level 4, 175 Castlereagh Street, Sydney OR
P.O. Box 972 Parramatta NSW 2124

Enquiries (02) 286 0009

<p>Lodged by: Address: Phone: ()</p>	<p>Lodged with the Commissioner for Consumer Affairs on</p>
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Form 18**APPLICATION FOR INCORPORATION BY A COMPANY
OR CO-OPERATIVE SOCIETY**ASSOCIATIONS INCORPORATION ACT 1984
(Section 48 (3))DOCUMENT TO BE
COMPLETED IN BLACK INK
*Delete if not applicableTo the Commissioner
for Consumer AffairsCompany ASN

1. being:
(Name of company or society)

* a company limited by guarantee within the meaning of the Corporations Law OR

* a society registered under the Co-operation Act 1923, not being a society the capital of which is divided into shares or stock,

makes application for incorporation under the Associations Incorporation Act 1984.

2. The following information is submitted in support of the application:

(a) The proposed name on incorporation is Incorporated.
The name is currently reserved

Reservation No.: Expiry Date:

(b) The principal place of administration of the proposed incorporated association will be: (see note 1)

.....
.....

(c) The full name and usual residential address of the person who has been nominated to be the public officer is:

.....
(full name of public officer)
.....
(usual residential address)

Full name	Residential address	Occupation

Full name	Usual residential address	Position to be held

3. Particulars of mortgages, charges and other securities of any description affecting the property of the company/society referred to in paragraph 1, at the date of the application are as follows: (see note 2)

Description of mortgage, charge or other security	Description of property affected	Amount of indebtedness at date of application	Name and address of holder of mortgage, security etc.

4. Particulars of property held by a person (other than in trust) for and on behalf of or for the objects of the company or society are as follows:

Description of property	Approx. value	Name and address of person holding property

STATEMENT OF OBJECTS

The objects of the incorporated association are:

.....
.....
.....
.....

RULES

1. The company*/society* has agreed to adopt the model rules as the rules of the proposed incorporated association OR
2. A copy of the articles of association*/rules* as proposed to be in force on incorporation under this Act are attached.

Dated this day of 19

.....
Signature of director*/secretary*/priincipal Name of signatory in BLOCK letters
executive officer*

NOTES TO ASSIST IN COMPLETION OF FORM

1. Specify the full address including the number of the room and the floor or level of the building (where applicable).
2. If there are no mortgages, charges, etc., insert "NIL".

DIRECTIONS

A. This application must be accompanied by:

- (a) in the case of a company, a copy of the special resolution approving the making of this application
or
in the case of a society, a copy of the resolution passed in accordance with its rules that the application be made
(see section 48 (1) of the Act).
- (b) the certificate of incorporation or other document evidencing the incorporation, formation or registration of the company or society.

B. An incorporated association must have at least 5 members.

C. The first public officer of the incorporated association must, within 14 days after becoming public officer, give notice of the fact to the Commissioner for Consumer Affairs by lodging Form 9.

D. If the space provided for a particular purpose in a form is insufficient to contain all the required information in relation to a particular item, that information is to be set out in an annexure to the form. An annexure to a form must have an identifying mark and be endorsed with the following words, appropriately completed and signed by each person signing the form to which the document is annexed:

This is the annexure of pages marked “.....”
(insert number of pages) (insert identifying mark)

referred to in the
(insert description of form)

signed by me and dated
(insert date)

.....
signature(s)

The pages in an annexure shall be numbered consecutively. If a document, copy of a document, or other matter is annexed to a form, reference made in the form to the annexure must be by its identifying mark, the number of pages in it, and a brief description of the nature of the document and its contents.

RETURN COMPLETED FORM TO:

Level 4, 175 Castlereagh Street, Sydney OR
 P.O. Box 972 Parramatta NSW 2124

Enquiries (02) 286 0009

Lodged by:
 Address:

 Phone: ()

Lodged with the Commissioner for
 Consumer Affairs on

- (w) by omitting from Forms 2 and 5 in Schedule 3 the words “Given under the Seal of the Corporate Affairs Commission at Sydney, this day of 19” wherever occurring and by inserting instead the words „Signed by the Commissioner for Consumer Affairs on”;
- (x) by omitting from Forms 3, 4, 6, 8, 9, 10, 14, 15, 16 and 21 in Schedule 3 the words “Corporate Affairs Commission” wherever occurring and by inserting instead the words “Commissioner for Consumer Affairs”;
- (y) by omitting from Form 3 in Schedule 3 the words “Companies (New South Wales) Code” and by inserting instead the words “Corporations Law”;
- (z) by omitting Forms 7 and 13 from Schedule 3;
- (aa) by omitting from item 2 under the heading “DIRECTIONS” in Form 15 in Schedule 3 the word “aged” and by inserting instead the word “age”;
- (ab) by omitting from Forms 17 and 19 in Schedule 3 the words “Given under the Seal of the Corporate Affairs Commission at Sydney on this day of 19.....” wherever occurring and by inserting instead the words „Signed by the Commissioner for Consumer Affairs on”;
- (ac) by omitting from Form 22 in Schedule 3 the words “Given under the Seal of the Corporate Affairs Commission at Sydney this day of 19.....” and by inserting instead the words “Signed by the Commissioner for Consumer Affairs on”;
- (ad) by inserting at the end of Schedule 3 the following form:

Form 23

APPLICATION FOR CANCELLATION OF
INCORPORATION AS AN ASSOCIATION

ASSOCIATIONS INCORPORATION ACT 1984
(Section 55A)

DOCUMENT TO BE
COMPLETED IN BLACK INK
*Delete if not applicable

1.1
Public Officer*/Committee Member* (Full name in BLOCK letters)
of (Usual residential address)

make application for the cancellation of the incorporated association known as: Incorporated

2. The association approved by Special Resolution the proposed cancellation of incorporation at a Special General Meeting held on.....
day of 19

(A certified copy of the Special Resolution is attached.)

3. The association proposes to distribute any surplus property of the association in accordance with section 55B of the Associations Incorporation Act 1984.

If no surplus property, indicate NIL:

(A statement indicating any surplus property of the association and the manner in which that property is to be distributed is attached.)

4. The association has the following debts and liabilities totalling \$
If no debts or liabilities, indicate NIL:

5. The association is able to pay or meet the association's debts and liabilities.
(A statement verified by statutory declaration by 2 members of the committee of the association that the association is able to pay the association's debts and liabilities is attached)

6. We certify that the above information is correct and make this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the Oaths Act 1900.

.....
(signatures of 2 committee members)

Declared at this day of 19

before me
(Justice of the Peace)

PLEASE RETURN COMPLETED FORM TO:

Level 4, 175 Castlereagh Street, Sydney OR
 P.O. Box 972 Parramatta NSW 2124

Enquiries (02) 286 0009

Lodged by:
 Address:

 Phone: ()

Lodged with the Commissioner of
 Consumer Affairs on

(ae) by inserting after item 6 of Schedule 4 the following item:

6A. Application under section 26 (3) of the Act for extension
 of the period for convening annual general meeting or for
 holding first annual general meeting or for permission to
 hold annual general meeting in another calendar year 10

EXPLANATORY NOTE

The object of this Regulation is to amend the Associations Incorporation Regulation 1985 so as:

- (a) to replace certain forms and to omit certain form as a consequence of the enactment of the Associations Incorporation (Amendment) Act 1992 (for example, the forms notifying changes of membership of the committee of an association and notifying particulars of a trust of which an association is trustee are omitted as a consequence of amendments to sections 21 and 28 of the Associations Incorporation Act 1984); and
- (b) to prescribe, as additional particulars to those required by section 21A of the Act to be contained in the register of committee members kept by an incorporated association, particulars relating to the president, secretary and treasurer of the association (clause 2 (d)); and
- (c) to amend the model rules to provide for disputes between members or between members and an incorporated association to be referred to a community justice centre for mediation (clause 2 (o)); and
- (d) to prescribe \$10 as the fee to accompany an application for an extension of time to hold an annual general meeting of an incorporated association (clause 2 (ae)); and
- (e) to make changes for the purposes of law revision (for example, references to the Corporate Affairs Commission are updated to the Commissioner for Consumer Affairs and certain superseded provisions of the Companies (New South Wales) Code are replaced with the appropriate provisions of the Corporations Law).