



New South Wales

# Associations Incorporation Amendment (Fees) Regulation 2005

under the

Associations Incorporation Act 1984

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Associations Incorporation Act 1984*.

DIANE BEAMER, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Associations Incorporation Act 1984* (*the Act*). The fee increases are in line with movements in the Consumer Price Index.

This Regulation also introduces the following new fees:

- (a) \$31 for the issue of a replacement certificate of incorporation where the Director-General of the Department of Commerce (*the Director-General*) is satisfied that the original was lost or destroyed,
- (b) \$47 for a request for the Minister's approval for an incorporated association to become registered as a company or co-operative,
- (c) \$31 for the issue of a certificate by the Director-General stating the current status of an association,
- (d) \$61 for the issue of a certificate by the Director-General stating compliance with certain provisions of the Act.

This Regulation also provides that the Director-General:

- (a) may refund the whole or any part of a fee paid to the Director-General in respect of an application which is withdrawn or refused by the Director-General, and
- (b) may waive fees in whole or in part,

if, in the opinion of the Director-General, there are special circumstances that justify payment being refunded or waived.

This Regulation is made under the Act, including section 73 (the general regulation-making power).

## **2005 No 472**

Clause 1            Associations Incorporation Amendment (Fees) Regulation 2005

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# **Associations Incorporation Amendment (Fees) Regulation 2005**

under the

Associations Incorporation Act 1984

### **1 Name of Regulation**

This Regulation is the *Associations Incorporation Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 September 2005.

### **3 Amendment of Associations Incorporation Regulation 1999**

The *Associations Incorporation Regulation 1999* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 5**

Omit the clause. Insert instead:

**5 Fees**

For each matter specified in Column 1 of Schedule 2 a fee is payable as specified in Column 2 of that Schedule.

**[2] Clause 5A**

Insert after clause 5:

**5A Refund or waiver of fees**

For the purposes of section 73 (1) (b) and (b2) of the Act, the Director-General:

- (a) may refund the whole or any part of a fee paid to the Director-General in respect of an application which is withdrawn or refused by the Director-General, and
  - (b) may waive fees in whole or in part,
- if, in the opinion of the Director-General, there are special circumstances that justify payment being refunded or waived.

**[3] Schedule 2**

Insert after Schedule 1:

## Schedule 2 Fees

(Clause 5)

Column 1		Column 2
Item	Matter for which fee payable	Fee
1	Application for incorporation (section 9 (g) of the Act)	\$98
2	Issue of replacement certificate of incorporation where the Director-General is satisfied that the original was lost or destroyed	\$31
3	Application for reservation of name (section 13 (2) of the Act)	\$37
4	Application for approval of change of name (section 14 (3) (c) of the Act)	\$47

## 2005 No 472

### Associations Incorporation Amendment (Fees) Regulation 2005

#### Schedule 1 Amendments

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<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Matter for which fee payable</b>	<b>Fee</b>
5	Notice of alteration of objects or rules of incorporated association (section 20 (2) of the Act)	\$36
6	Application for extension of period within which annual general meeting to be held or permission that annual general meeting be held in another calendar year (section 26 (3) of the Act)	\$21
7	Lodgment of annual statement (section 27 (1) (d) of the Act):	
	(a) if the statement is lodged one month after the date of the annual general meeting of the association or sooner	\$42
	(b) if the statement is lodged more than one month after the date of the annual general meeting, but less than two months after that date	\$61
	(c) if the statement is lodged two or more months after the date of the annual general meeting	\$66
8	Application for extension or further extension of period within which an annual statement must be lodged (section 27 (2) of the Act)	\$21
9	Application for amalgamation of incorporated associations (section 46 (3) (e) of the Act)	\$98
10	Application for incorporation by company limited by guarantee or registered co-operative (section 48 (3) (d) of the Act)	\$98
11	Request for Minister's approval for incorporated association to become registered as company or co-operative (section 56 (1) of the Act)	\$47
12	Request for inspection of document lodged with the Director-General (section 59 (3) (a) of the Act)	\$15
13	Issue of uncertified copy of, or extract from, document lodged with the Director-General (section 59 (3) (b) of the Act):	
	(a) if a fee has been paid for inspection of the document:	
	(i) for the first page	Nil
	(ii) for each additional page	\$1
	(b) if a fee has not been paid for inspection of the document:	
	(i) for the first page	\$15
	(ii) for each additional page	\$1

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<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Matter for which fee payable</b>	<b>Fee</b>
14	Issue of certified copy of, or extract from, document lodged with the Director-General (section 59 (3) (b) of the Act):	
	(a) for the first page	\$16
	(b) for each additional page	\$2
15	Issue of extract from computerised record forming part of the register (referred to in section 59 (1) of the Act) that the Director-General keeps for the purposes of the Act	\$15
16	Issue of certificate by Director-General stating current status of association (section 62 (1) (a) and (b) of the Act)	\$31
17	Issue of certificate by Director-General stating compliance with certain provisions of the Act (section 62 (1) (c)–(f) of the Act)	\$61

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