



New South Wales

Associations Incorporation Amendment (Fees) Regulation 2017

under the

Associations Incorporation Act 2009

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Associations Incorporation Act 2009*.

MATT KEAN, MP
Minister for Innovation and Better Regulation

Explanatory note

The object of this Regulation is to amend the *Associations Incorporation Regulation 2016* as follows:

- (a) to increase certain fees payable in connection with the administration of the *Associations Incorporation Act 2009*,
- (b) to provide for a mechanism for the automatic adjustment for inflation of those fees in future.

The fee increases effected by this Regulation are generally in line with movements in the Consumer Price Index (rounded to the nearest dollar).

This Regulation is made under the *Associations Incorporation Act 2009*, including sections 6 (3) (i), 10 (3) (d), 15 (2) (c), 31 (3), 45 (2) (b), 49 (2) (b), 78 (3) (e), 98 (2) and 107 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Associations Incorporation Amendment (Fees) Regulation 2017*.

2 Commencement

This Regulation commences on 1 July 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Associations Incorporation Regulation 2016

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

fee unit—see Part 2 of Schedule 5.

[2] Clause 20

Omit the clause. Insert instead:

20 Fees

For each matter specified in Part 1 of Schedule 5 a fee is payable as specified beside the matter in that Part of that Schedule.

[3] Schedule 5

Omit the Schedule. Insert instead:

Schedule 5 Fees

(Clause 20)

Part 1 Fees payable

	Column 1	Column 2
Item	Matter for which fee payable	Fee (in fee units)
1	Application for registration of an association (section 6 (1) of the Act):	
	(a) if the name of the association has been reserved	1.30
	(b) if the name of the association has not been reserved	1.67
2	Application for approval of change of association's name (section 10 (1) of the Act):	
	(a) if the name of the association has been reserved	0.63
	(b) if the name of the association has not been reserved	1.00
3	Application for approval of change of association's objects or constitution (section 10 (1) of the Act)	0.50
4	Application for reservation of name (section 15 (1) of the Act)	0.50
5	Issue of replacement certificate of registration where Secretary is satisfied that the original was lost or destroyed	0.43
6*	Maximum fee for inspection by any member of an association of the book recording disclosure of interest by a committee member (section 31 (3) of the Act)	0.05
7	Application for further time within which to hold AGM (section 37 (2) (b) of the Act)	0.32
8	Application for specification by Secretary as to the manner in which a special resolution may be passed (section 39 (1) (c) of the Act)	0.85

Column 1	Column 2	
Item	Matter for which fee payable	
Item	Fee (in fee units)	
9	Lodgment of summary of Tier 1 association's financial affairs for the previous financial year, financial statements, auditor's report and a copy of any resolution passed at the association's AGM in connection with those documents (section 45 (1) of the Act)	1.90
10	Application for further time in which a Tier 1 association can lodge documents pursuant to section 45 (1) of the Act (section 45 (2) (a) of the Act)	0.32
11	Additional fee for late payment of prescribed fee for lodgment of documents pursuant to section 45 (1) of the Act:	
	(a) if the documents are lodged after the due date for lodgment, but less than 1 month after the due date	0.92
	(b) if the documents are lodged 1 or more months after the due date	1.17
12	Lodgment of summary of Tier 2 association's financial affairs for the previous financial year (section 49 (1) of the Act)	0.45
13	Application for further time in which a Tier 2 association can lodge a summary of the association's financial affairs pursuant to section 49 (1) of the Act (section 49 (2) (a) of the Act)	0.32
14	Additional fee for late payment of prescribed fee for lodgment of summary of the association's financial affairs pursuant to section 49 (1) of the Act:	
	(a) if the summary is lodged after the due date for lodgment, but less than 1 month after the due date	0.27
	(b) if the summary is lodged 1 or more months after the due date	0.35
15	Approval for person who is otherwise not qualified to carry out audit (section 52 (1) (b) or 52 (2) of the Act)	1.90
16	Grant of an exemption from requirement to prepare or audit financial statements (section 53 of the Act)	1.90
17	Application for transfer of registration declaration in relation to an association's proposed registration under a corresponding law (section 78 (1) of the Act)	0.85
18	Inspection of any document that has been lodged with the Secretary under the Act, not being a document that has been destroyed or otherwise disposed of (section 98 (2) (a) of the Act)	0.20
19	Issue of uncertified copy of, or extract from, document lodged with the Secretary (section 98 (2) (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	0.01
	(b) if a fee has not been paid for inspection of the document:	
	(i) for the first page	0.20
	(ii) for each additional page	0.01

Column 1	Column 2
Item	Matter for which fee payable
Item	Fee (in fee units)
20	Issue of certified copy of, or extract from, document lodged with the Secretary (section 98 (2) (b) of the Act):
	(a) for the first page 0.22
	(b) for each additional page 0.02
21	Issue of extract from computerised record forming part of the register (section 98 (2) (b) of the Act) 0.20
22	Issue of certificate by Secretary stating registration status, registered name, official address or terms of constitution (section 100 (a), (b), (d) and (e) of the Act) 0.43, plus 0.01 for each page provided
23	Issue of certificate by Secretary specifying compliance with certain provisions of the Act (section 100 (c) of the Act) 0.85
24	Application for approval to serve documents on association in any other manner that the Secretary may direct (section 101 of the Act) 0.85
25	Issue of certificate by Secretary to the effect that an association or other body is a former association of an incorporated association (clause 3 (2) of Schedule 2 to the Act) 0.85
26	Additional fees payable for late payment of any prescribed fee not otherwise specified 0.27

* Fee payable to the association.

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part:

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for purposes of Regulation

(1) For the purposes of this Regulation, a **fee unit** is:

- (a) in the financial year 2017–18—\$100, and
- (b) in each subsequent financial year—the amount calculated as follows:

$$\$100 \times \frac{A}{B}$$

where:

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2017.

(2) The amount of a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).

- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar (and an amount of 50 cents is to be rounded down).

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Secretary is required to:
- (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.