

Associations Incorporation Amendment (Review) Act 2016 No 1

[2016-1]



New South Wales

Status Information

Currency of version

Repealed version for 16 April 2016 to 1 September 2016 (accessed 18 July 2024 at 13:26)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.9.2016.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Associations Incorporation Amendment (Review) Act 2016 No 1



New South Wales

An Act to amend the *Associations Incorporation Act 2009* to give effect to the recommendations for amendment made in a statutory review of that Act; and for other purposes.

1 Name of Act

This Act is the *Associations Incorporation Amendment (Review) Act 2016*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of *Associations Incorporation Act 2009* No 7

[1] (Repealed)

[2] Section 6 Application for registration

Omit section 6 (3) (d). Insert instead:

- (d) must annex a copy of the association's proposed constitution (or a statement that the association's proposed constitution adopts all the provisions of the model constitution without modification), and

[3] Section 6 (4)

Omit the subsection. Insert instead:

- (4) An association's proposed official address must be an address within New South Wales:
 - (a) at which the person who is to be the association's first public officer can generally be found, and
 - (b) at which documents can be served on the association by post.

[4] Section 6 (6)

Omit the subsection.

[5] Sections 7 (2) (b) and 12 (2) (c)

Omit “has not been reserved or” wherever occurring.

[6], [7] (Repealed)

[8] Section 13 Notification of change of official address

Omit section 13 (3). Insert instead:

- (3) The new address must be an address within New South Wales:
 - (a) at which the public officer can generally be found, and
 - (b) at which documents can be served on the association by post.

[9] Section 25

Omit the section. Insert instead:

25 Provisions of model constitution apply if adopted or if matter not addressed

- (1) If an association’s constitution adopts all the provisions of the model constitution without modification (either by reference or by reproducing the provisions), the provisions are taken to be the association’s constitution.
- (2) If an association’s constitution fails to address a matter referred to in Schedule 1, the provisions of the model constitution with respect to the matter are taken to be part of the association’s constitution.
- (3) The provisions that are taken to be, or that are taken to be part of, an association’s constitution under this section apply as in force for the time being.
- (4) Accordingly, an amendment to those provisions changes the association’s constitution without:
 - (a) any special resolution by the association to change its constitution or any application to the Secretary under section 10, or
 - (b) any registration of the change by the Secretary under section 12, or
 - (c) any other action by or on behalf of the association or its members or by or on behalf of the Secretary.

(5) To avoid doubt, this section does not limit the way in which an association's constitution may address a matter referred to in Schedule 1.

(6) A provision of an association's constitution is of no effect to the extent to which it is contrary to this or any other Act or law.

[10], [11] (Repealed)

[12] Sections 30A and 30B

Insert after section 30:

30A Duty of committee members

It is the duty of each committee member to carry out his or her functions for the benefit, so far as practicable, of the association and with due care and diligence.

30B Personal liability of committee members

A matter or thing done or omitted to be done by a committee member, or by a person acting under the direction of a committee member, does not, if the matter or thing was done or omitted to be done in good faith for the purpose of exercising the committee member's functions under this Act, subject the committee member or person so acting personally to any action, liability, claim or demand.

[13] (Repealed)

[14] Section 34 Public officer

Omit section 34 (6) (b). Insert instead:

(b) an address within New South Wales:

(i) at which the person can generally be found, and

(ii) at which documents can be served on the association by post, and

[15] Sections 38 and 39

Insert "or electronic" after "postal" wherever occurring.

[16], [17] (Repealed)

[18] Section 72 Application for cancellation

Omit "2 committee members" from section 72 (2) (c).

Insert instead "a committee member".

[19] Section 74 Decision on application for voluntary cancellation

Omit section 74 (4). Insert instead:

- (4) Any notice to be given to an association under subsection (3) must be sent:
 - (a) by post addressed to the association at the association's official address, or
 - (b) if the Secretary suspects that the association's official address is no longer in use:
 - (i) by post addressed to the association at another address that appears to the Secretary to be an address that is used by the association, or
 - (ii) by email addressed to the association at an email address that appears to the Secretary to be an email address that is used by the association.

[20]-[23] (Repealed)

[24] Section 80 Effect of transfer of registration declaration

Omit section 80 (4). Insert instead:

- (4) Any notice to be given to an association under subsection (3) must be sent:
 - (a) by post addressed to the association at the association's official address, or
 - (b) if the Secretary suspects that the association's official address is no longer in use:
 - (i) by post addressed to the association at another address that appears to the Secretary to be an address that is used by the association, or
 - (ii) by email addressed to the association at an email address that appears to the Secretary to be an email address that is used by the association.

[25]-[28] (Repealed)

[29] Schedule 1, clause 7 (b1)

Insert after clause 7 (b):

- (b1) the maximum number of consecutive terms of office of any office-bearers on the committee, and

[30] Schedule 1, clause 11 Postal and electronic ballots

Insert "or electronic" after "postal".

[31] Schedule 1, clause 17

Insert after clause 16:

17 Winding up

The winding up of the association.

[32] (Repealed)

[33] Schedule 4, Part 3

Insert after Part 2:

Part 3 Provision consequent on enactment of [Associations Incorporation Amendment \(Review\) Act 2016](#)

12 Associations' constitutions

Section 25, as substituted by the [Associations Incorporation Amendment \(Review\) Act 2016](#), extends to the constitution of an association registered before the commencement of that substitution.

[34] (Repealed)