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INCORPORATED ASSOCIATIONS

Presented by NSW Fair Trading



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Different types of Incorporated Associations

- Sports Clubs
- Cultural Groups
- Social groups
- Arts & crafts





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Why are you in an association?

- Goals?
- Purpose?





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Benefits of Incorporating

Legal status

- Rent or buy property
- Open a bank account
- Apply for grants



- Protection and stability for members and the committee
- Sue and be sued



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Eligibility

- Have a purpose to be small scale, not for profit and non-commercial
- Pay to register
- Have 5 members
- Have a constitution



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What you can not do

- For profit
- Financially benefit members



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Your constitution

- Membership qualifications
- Fees, subscriptions etc.
- Sources of funds
- Management of funds
- The composition functions and processes for the committee
- the quorum and procedures to be followed at committee meetings.



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Your constitution

- Calling of general meetings
- Notice of general meetings
- The quorum, procedure and requirements for general meetings
- Proxy votes
- Postal or electronic ballots
- Disciplinary procedures
- Disputes resolution process



Form A6

- Application to change purpose or constitution
- Single page with instructions
- Fee: \$51
- Lodged with NSW Fair Trading

 <p>NSW GOVERNMENT Fair Trading <small>FBN 81 923 800 179</small></p>	<p>Form A6</p>	<p>Office use only AFFIX DOCUMENT PART OF APPLICATION HERE</p>
		<p>Application to register change of objects or constitution <i>Associations Incorporation Act 2009 (section 10)</i></p> <p>Sep 2016</p>
<p>Please read the information before completing this form. This form can be completed in Adobe Reader and saved for your records. Fee - \$49.00</p>		
<p>1. ASSOCIATION DETAILS</p>		
<p>Name <input type="text"/></p>		<p>INCORPORATED <input type="checkbox"/></p>
<p>Registration number (not ABN) <input type="text"/></p>		<p>INC or Y <input type="checkbox"/></p>
<p>2. SPECIAL RESOLUTION</p>		
<p>The special resolution (motion) approving the change of objects or constitution was passed on <input type="text"/></p>		
<p>The wording of the special resolution (motion) is set out below, or is attached (do not attach minutes of meetings)</p>		
<p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p> <p><input type="text"/></p>		
<p>3. DECLARATION AND PRIVACY ACKNOWLEDGEMENT</p>		
<p>I declare:</p> <ul style="list-style-type: none"> • I am authorised by the committee of the association to make this application, • the information set out in this form and in any attachment to this form is correct, • the constitution accompanying this application complies with the requirements of the <i>Associations Incorporation Act 2009</i> and have been amended as required by section 10 of the Act. 		
<p>I acknowledge:</p> <ul style="list-style-type: none"> • NSW Fair Trading is collecting and holding information (including personal information) supplied in this form for the purposes of the <i>Associations Incorporation Act 2009</i> and in particular, inclusion in a register maintained under that Act which is open to public inspection, • NSW Fair Trading may disclose personal information to persons or bodies and to receive information from them in respect of purpose(s) related to the association's incorporation and activities, and • I have a right to seek access to and correction of the personal information supplied/collected from me. 		
<p>Signature <input type="text"/></p>	<p>Date signed <input type="text"/></p>	
<p>Printed name <input type="text"/></p>		
<p>Position held <input type="text"/></p>		



Need a copy of your constitution?

- Photocopy (P): 1st page - \$20.00 & \$1.00 for each page thereafter, per document.
- Certified (C): 1st page - \$22.00 & \$2.00 for each page thereafter, per document.

NSW Fair Trading
AIN: 81 433 828 078

FEEES - GST FREE - Associations Incorporation Regulation 2010 - Schedule 6
 Inspection fee: \$20.00 per document, which will be deducted from the total cost of search.
 Photocopy (P): 1st page - \$20.00 & \$1.00 for each page thereafter, per document.
 Certified (C): 1st page - \$22.00 & \$2.00 for each page thereafter, per document.

INCORPORATED ASSOCIATIONS SEARCH REQUEST FORM
 Associations Incorporation Act 2009 (sections 68)

APPLICANT

Contact details: Daytime phone:
 Organisation:
 Email:
 Postal address:

SEARCH REQUEST DETAILS

Association name: Incorporated
 Incorporation number: INC / Y

Please select required documents below | C = Certified copy | P = Photocopy

		REGISTRY USE ONLY				REGISTRY USE ONLY		
<input type="checkbox"/> P	Extract: Incorp information, public officer details, list of documents lodged, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> C	<input type="checkbox"/> P	Objects	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> C	<input type="checkbox"/> P	Certificate of incorporation	<input type="checkbox"/>	<input type="checkbox"/> C	<input type="checkbox"/> P	Constitution	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> C	<input type="checkbox"/> P	Incorporation application	<input type="checkbox"/>	<input type="checkbox"/> C	<input type="checkbox"/> P	Certificate - vesting of property	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> C	<input type="checkbox"/> P	Application to change name	<input type="checkbox"/>	<input type="checkbox"/> C	<input type="checkbox"/> P	Application for cancellation	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> C	<input type="checkbox"/> P	Public Officer alteration form	<input type="checkbox"/>	<input type="checkbox"/> C	<input type="checkbox"/> P	Other	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> C	<input type="checkbox"/> P	Annual Summary	<input type="checkbox"/>				TOTAL PAGES	TOTAL AMOUNT

Choose how you wish to receive your search results:
 Email - size restrictions may apply. (Note: Certified documents CANNOT be sent by email). OR
 Hard copy via post (Certified documents are ONLY sent by post).

PLEASE NOTE:
 * You will be contacted with a quote within 5 working days of receipt of inspection fee.
 * Delays may occur if this form is completed incorrectly or illegibly.
 * Documents containing current/most recently lodged information will be provided unless otherwise requested.
 * If confirmation of order/payment is not received within 28 days of inspection fee request or quote, this request will be withdrawn.

REGISTRY USE ONLY

Insp. fee request:	\$	/	/	Quote provided:	\$	/	/
Insp. fee paid:	\$	/	/	Balance paid:	\$	/	/
Receipt no.:				Receipt no.:			
Image request no.:	/	/	/	Docs sent/search finalised	/	/	/
Notes:							

Registry Services
 P.O. Box 22, Bathurst NSW 2795
 Freecall 1800 502 042 | Tel (02) 6333 1400 | TTY (02) 9339 4943
 Email registrservices@finance.nsw.gov.au | Web www.fairtrading.nsw.gov.au



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The role of the management committee?

- What does your constitution say?
- Abide by the constitution and legislative requirements
- 3 or more members
- Manage the running of the association



Role of a Committee Member

- Attend meetings
- Disclose any conflicts of interest
- Keep up with the associations activities and finances
- Use reasonable care, skill and diligence





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What are your responsibilities?

- Record keeping
- Conducting meetings
- Lodging Financial records
- Up keep of the constitution
- Consider insurance requirements





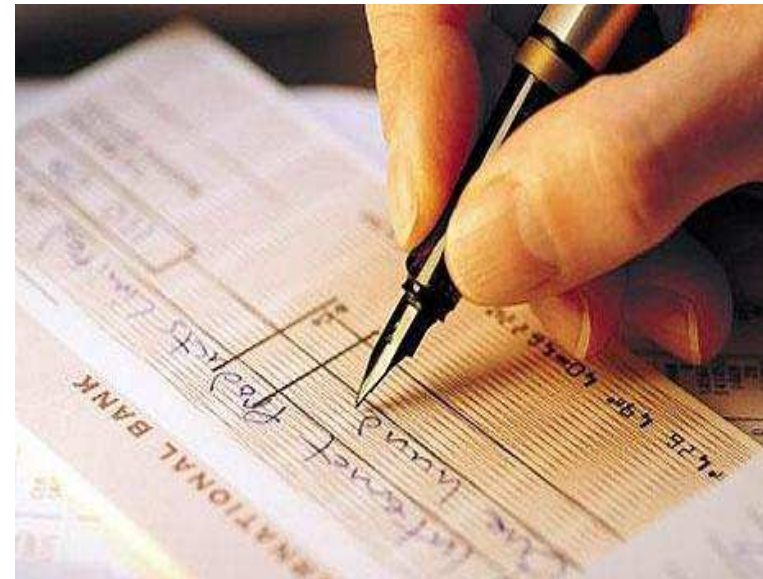
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Records

- copy must be kept in the English language
- financial affairs/transactions
- minutes of all meetings
- registers
 - committee members
 - authorised signatories
 - disclosed interests
 - association members
- hand over documents within 14 days





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The role of the Public Officer

- Authorised signatory
- Contact person with NSW Fair Trading
- Maintain registers
- Lodgement of forms
- Must comply with hand over requirements



Form A9

- Notice of appointment of public officer and Notice of change of association address
- 2 pages plus instructions
- Must be lodged with NSW Fair Trading.
- No fee

 <p>NSW Fair Trading 000 01 833 800 276</p>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Form A9 </div>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <small>Office use only AFFIX DOCUMENT BARCODE LABEL HERE</small> </div>
	<p>Notice of appointment of public officer and Notice of change of association address <small>Associations Incorporation Act 2009 (sections 13, 14, 34 and 35)</small></p> <p style="text-align: right;">Sep 2016</p> <p><small>To change public officer, complete ALL sections. To change address only, complete sections 1, 3, 5 and 6 only.</small></p> <p style="text-align: right;"><small>Fee - Nil</small></p>	
<p>1. ASSOCIATION DETAILS</p> <p>Name <input type="text"/> INCORPORATED <input type="checkbox"/></p> <p>Registration number (not ABN) <input type="text"/> INC or Y <input type="checkbox"/></p>		
<p>2. DATE AND REASON FOR VACANCY (Public Officer)</p> <p>Vacancy date <input type="text"/></p> <p>Reason for vacancy <input type="checkbox"/> Resignation <input type="checkbox"/> Removal <input type="checkbox"/> Death <input type="checkbox"/> Bankruptcy <input type="checkbox"/> As provided for in constitution <input type="checkbox"/> No longer resides in NSW <input type="checkbox"/> Mental incapacity</p>		
<p>3. DATE OF APPOINTMENT / CHANGE (Public Officer / official address)</p> <p>Date of appointment of new public officer and/or change of official address <input type="text"/></p>		
<p>4. NEW PUBLIC OFFICER (must reside in NSW)</p> <p>Surname <input type="text"/> Title <input type="text"/> Date of birth <input type="text"/></p> <p>Given name(s) <input type="text"/> Daytime phone <input type="text"/></p> <p><input type="checkbox"/> I currently reside within New South Wales</p>		
<p>5. OFFICIAL ADDRESS (cannot be a Post Office box - see note 5)</p> <p>Street address <input type="text"/></p> <p>Town/suburb <input type="text"/> State <input type="text" value="NSW"/> Postcode <input type="text"/></p> <p>Email <input type="text"/></p>		
<p>6. DECLARATION AND PRIVACY ACKNOWLEDGEMENT</p> <p>I declare:</p> <ul style="list-style-type: none"> * I am the public officer of the association at date of signing form. * I am over the age of 18 years and ordinarily reside in New South Wales, * the information set out in this form is correct. <p>I acknowledge:</p> <ul style="list-style-type: none"> * NSW Fair Trading is collecting and holding information (including personal information) supplied in this form for the purposes of the Associations Incorporation Act 2009 and in particular, inclusion in a register maintained under that Act which is open to public inspection, * NSW Fair Trading may disclose personal information to persons or bodies and to receive information from them in respect of purpose(s) related to the association's incorporation and activities, and * I have a right to seek access to and correction of the personal information supplied/collected from me. <p>Signature <input type="text"/> Date signed <input type="text"/></p> <p>Printed name <input type="text"/></p>		



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Meetings

- Annual General Meetings
- Regular meetings
- Voting





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New Forms – A12

Updated the fee schedule
& new forms for Tier 1 and 2

Tier 1

- \$194
- \$288
- \$313

Tier 2

- \$46
- \$74
- \$82



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Winding Up of an Association

Voluntary Cancellation

Pass a special resolution to cancel and determine the disbursement of assets

Amalgamation

Pass a special resolution to combine or close and transfer assets



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Amalgamation

- Lodge Form A3 (including fee)
- Include all documents
 - Proposed constitution
 - Special resolution passed by the members of each merging association
 - Estimate of combined assets and liabilities
 - Original certificate of incorporation of each association
 - Estimate of income and expenditure for the first year

Form A3 Registry use only AFFIX DOCUMENT BARCODE LABEL HERE

NSW Fair Trading Application for registration of an amalgamated incorporated association **Sep 2016**

Associations Incorporation Act 2009 (section 6)

Please read the information before completing this form. This form can be completed in Adobe Reader and saved for your records. Fee - \$128.00 if name is currently reserved Fee - \$164.00 if name is NOT reserved

1. PROPOSED ASSOCIATION NAME (in order of preference)

1.	<input type="text"/>	INCORPORATED	Office use App / Fee
2.	<input type="text"/>	INCORPORATED	App / Fee
3.	<input type="text"/>	INCORPORATED	App / Fee

IF INSUFFICIENT SPACE PLEASE ATTACH DETAILS OF PROPOSED NAMES

If the name is reserved, please enter a current reservation number

2. AMALGAMATING ASSOCIATION DETAILS

Name INCORPORATED

Registration number (net ABN) INC or Y

AND

Name INCORPORATED

Registration number (net ABN) INC or Y

3. FIRST PUBLIC OFFICER (must reside in NSW)

Surname Title Date of birth

Given name(s) Daytime phone

I currently reside within New South Wales

4. FIRST OFFICIAL ADDRESS (cannot be a Post Office box - see note 4)

Street address

Town/suburb State Postcode

Email

5. CONSTITUTION

The proposed constitution is

Fair Trading model constitution (without modification) OR Own constitution (copy to be attached)

6. OBJECTS

The objects must be a clear detailed explanation of the purpose of the organisation



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Alternate Closures (winding up)

- Involuntary Cancellation

Fair Trading can cancel your registration if you fail to meet or maintain your obligations



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Other Considerations

- Australian Tax Office
- Charitable Fundraising
- Australian Charities And Not For Profit Commission



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Where do I go for help?

- NSW Fair Trading
- Fact sheets and information on
- http://www.fairtrading.nsw.gov.au/ftw/Cooperatives_and_associations.page?
- Registry Services 1800 502 042
- registryinquiries@finance.nsw.gov.au



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Who else can help?

- **NCOSS** - www.ncoss.org.au
- **JUSTICE CONNECT** - www.justiceconnect.org.au
- **NOT FOR PROFIT LAW** - www.nfplaw.org.au
- **PILCH** - www.pilch.org.au



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What else does NSW Fair Trading do?

Provides information and assistance about:

- Buying goods & services
- Complaint resolution & compliance
- How to avoid Scams
- Tenancy, buying & selling your home
- Strata Living
- Retirement Villages
- Residential Park living
- Home building & renovations
- Buying a car
- Product safety
- Financial literacy
- Associations & Cooperatives
- Business licences
- Funerals
- NSW Civil and Administrative Tribunal



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Complaints register

- Online register
- Highlight traders attracting most complaints
- 10 or more complaints per month
- Companies and product groups will be named
- Launch date: 1 August 2016



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Free community and industry talks

- Fair Trading goes to community to deliver services
- More than 2,000 community talks and events every year
- More than 40,000 people attend our events per year
- Focus on community groups, including schools, senior groups migrant groups and much more
- Email: FairTradingSeminars@finance.nsw.gov.au



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More information

- 13 32 20
- or 13 14 50 (interpreter service)
- www.fairtrading.nsw.gov.au
- Sign up online for a newsletter
- Registry services – 1800 052 042