

1990
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

**Associations Incorporation (Amendment)
Bill 1990**

A BILL

FOR

**An Act to amend the *Associations Incorporation Act 1953*
and for related purposes**

The Legislative Assembly for the Australian Capital Territory enacts,
as follows:

Short title

- 5 1. This Act may be cited as the *Associations Incorporation
(Amendment) Act 1990*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act
is notified in the *Gazette*.

(2) The remaining provisions commence on 3 September 1990.

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145/7.8.1990

Principal Act

3. In this Act, "Principal Act" means the *Associations Incorporation Act 1953*.¹

Interpretation

4. Section 2 of the Principal Act is amended—

(a) by omitting from subsection (1) the definition of "Commission";
and

(b) by inserting in subsection (1) the following definitions:

" 'approved form' means a form approved under section 24A:

'Registrar' means the Registrar of Incorporated Associations
and includes a Deputy Registrar of Incorporated
Associations;".

Insertion

5. After section 2 of the Principal Act the following sections are
inserted:

Registrar and other officers

"2AA. (1) For the purposes of this Act, the Minister may by
instrument appoint—

(a) a Registrar of Incorporated Associations;

(b) an Acting Registrar of Incorporated Associations to act in the
office of Registrar of Incorporated Associations during a vacancy
in that office or during the illness or absence of the Registrar;
and

(c) such Deputy Registrars of Incorporated Associations and other
officers as the Minister considers necessary.

"(2) Subject to the directions of the Registrar, a Deputy Registrar
may exercise and perform all the powers and functions of the Registrar.

"(3) The appointment of a Deputy Registrar does not affect the
exercise or performance of a power or function by the Registrar.

Seal of office

"2AB. (1) The Registrar shall have an official seal the design of
which shall be published by the Minister in the *Gazette*.

"(2) A document shall not be invalid on the ground of—

(a) an informality in connection with the affixing of the seal; or

(b) a failure to affix the seal."

Fees

6. Section 2A of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

5 “(1) The Minister may by notice published in the *Gazette* determine fees for the purposes of this Act.

“(1A) Fees shall be paid to the Registrar.”.

Notice of intention to apply for incorporation

7. Section 3 of the Principal Act is amended by omitting from paragraph (2) (a) “prescribed” and substituting “approved”.

10 **Application for incorporation**

8. Section 5 of the Principal Act is amended—

(a) by omitting from subsection (1) “in writing to the Commission, in a form approved by the Commission,” and substituting “to the Registrar”; and

15 (b) by omitting from subsection (2) “under the last preceding subsection” and substituting “shall be in the approved form and”.

Insertion

9. After section 24 of the Principal Act the following section is inserted:

20 **Approved forms**

“24A. An application, notice, declaration or certificate made, given, published, issued or filed under this Act or the regulations shall be in a form approved by the Registrar and shall be completed in accordance with the directions (if any) set out in the form.”.

25 **Regulations**

10. Section 25 of the Principal Act is amended—

(a) by omitting paragraph (d);

(b) by adding at the end of paragraph (e) “and”; and

(c) by omitting paragraph (f).

30 **Repeal**

11. The Schedule to the Principal Act is repealed.

Further amendments of Principal Act

12. The Principal Act is amended as set out in Schedule 1.

Amendments of regulations

35 13. The Associations Incorporation Regulations are amended as set out in Schedule 2.

Application and transitional

14. (1) Notwithstanding the amendments effected by this Act, the former Act continues to apply in relation to the winding-up of an incorporated association commenced before the commencement day.

(2) Where immediately before the commencement day a notice had been approved by the Commission under paragraph 3 (2) (c) of the former Act but had not been published, on and after that day the notice shall be deemed to have been approved by the Registrar under paragraph 3 (2) (c) of the amended Act. 5

(3) Where immediately before the commencement day an application had been made to the Commission in accordance with subsection 5 (1) of the former Act but a certificate of incorporation had not been issued or refused, on and after that day the application shall be deemed to have been made in accordance with subsection 5 (1) of the amended Act. 10 15

(4) Where immediately before the commencement day a notice had been sent to the Commission in accordance with subsection 11 (1) or (2) of the former Act but the notice had not been received by the Commission, on and after that day the notice shall be deemed to have been sent to the Registrar in accordance with subsection 11 (1) or (2) of the amended Act. 20

(5) Where immediately before the commencement day a notice relating to the alteration of the objects or purposes of an association had been filed with the Commission in accordance with subsection 13 (1) of the former Act but the alteration had not been approved or refused, on and after that day the notice shall be deemed to have been filed in accordance with subsection 13 (1) of the amended Act. 25

(6) Where immediately before the commencement day an application had been made to the Commission in accordance with subsection 14 (1) of the former Act but a certificate of incorporation had not been issued or refused, on and after that day the application shall be deemed to have been made in accordance with subsection 14 (1) of the amended Act. 30

(7) In this section—

“amended Act” means the former Act as amended by this Act; 35
 “commencement day” means the day on which this Act commences;
 “former Act” means the Principal Act as in force immediately before the commencement day.

SCHEDULE 1

Section 12

FURTHER AMENDMENTS OF PRINCIPAL ACT

Subsection 2 (1) (definition of "unauthorised name")—

Omit "Commission" (first occurring), substitute "Registrar".

Subsection 6 (1)—

(a) Omit "it" (first occurring), substitute "he or she".

(b) Omit "it" (last occurring), substitute "the Registrar".

Subsection 6 (2)—

Omit "it", substitute "the Registrar".

Subsection 14 (4)—

Omit "it", substitute "the Registrar".

Section 23—

Omit "its common seal", substitute "his or her official seal".

Section 24—

Omit "it", substitute "he or she".

Further amendments—

The following provisions are amended by omitting "Commission" (wherever occurring) and substituting "Registrar":

Subsections 2A (2) and (3), paragraph 3 (2) (c), subsections 5 (1), 6 (1), (1A), (2) and (3), 11 (1) and (2), 12 (1), 13 (1) and (3), 14 (1), (2), (3) and (4) and 22 (3), sections 23 and 24 and paragraph 25 (c).

SCHEDULE 2

Section 13

AMENDMENTS OF REGULATIONS

Subregulation 2 (2)—

Omit the subregulation.

Regulation 3—

Omit "Commission" (first occurring), substitute "Registrar".

Paragraphs 3 (b) and (f)—

Omit "Commission", substitute "Registrar".

Regulations 4, 5 and 6—

Repeal the regulations.

Regulation 7—

Omit "Commission" (wherever occurring), substitute "Registrar".

Schedule—

Repeal the Schedule.

NOTE

1. Ordinance No. 15. 1953 as amended by No. 14. 1954; No. 7. 1956; No. 5. 1961; No. 7. 1962; No. 19. 1966; No. 60. 1976; No. 33. 1977; No. 38. 1982; Nos. 21 and 38. 1989.