Australian Capital Territory

Associations Incorporation Act 1991

A1991-46

Republication No 25

Effective: 27 April 2016

Republication date: 27 April 2016

Last amendment made by A2016-18

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Associations Incorporation Act 1991* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 27 April 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 27 April 2016.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

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If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $150 for an individual and $750 for a corporation (see *Legislation Act 2001*, s 133).

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Associations Incorporation Act 1991

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Australian Capital Territory

Associations Incorporation Act 1991

An Act to provide for the incorporation of certain associations, and for related purposes

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Part 1 Preliminary

1 Name of Act

This Act is the *Associations Incorporation Act 1991*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (***signpost definitions***) to other terms defined elsewhere in this Act.

For example, the signpost definition '***memorandum***, for part 6 (Transfer of incorporation)—see section 81.' means that the term 'memorandum' is defined in that section for part 6.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Trade or pecuniary gain—interpretation

For this Act, an association is not taken to be formed or carried on with the object of trading or obtaining pecuniary gain for its members, or to be trading or obtaining pecuniary gain for its members, only because—

(a) the association obtains a pecuniary gain, none of which is received by any of its members, or otherwise credited to its members; or

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(b) the association buys or sells or otherwise deals in goods or services where those transactions are ancillary to the principal object of the association and, if the transactions are carried out with persons other than its members, the transactions—

(i) are not substantial in number or value in relation to the other activities of the association; or

(ii) consist of charging admission fees to displays, exhibitions, contests, sporting fixtures or other events organised for the purpose of promoting the objects of the association; or

(c) the association—

(i) is established with the object of protecting a trade, business, industry or calling in which its members are engaged or interested; and

(ii) does not engage in, or in a branch or part of, the trade, business, industry or calling; or

(d) the association provides facilities or services for its members; or

(e) its members derive a pecuniary gain from the enjoyment of facilities or services provided by the association for social, recreational, educational or other like purposes; or

(f) any of its members receives remuneration from the association for goods or services supplied by the member, or otherwise obtains a pecuniary gain from the association to which the member would be entitled if he or she were not a member of the association; or

(g) its members compete for trophies or prizes in contests directly related to the objects of the association.

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Part 2 Administration

9 Registers

(1) The registrar-general must keep a register of any matter the registrar-general considers necessary for this Act.

(2) The register may include any information the registrar-general considers appropriate.

(3) The register may be kept in any form, including electronically, that the registrar-general decides.

10 Copies of certificates of incorporation

The registrar-general must keep a copy of each certificate of incorporation issued by the registrar-general.

11 Inspection of documents

(1) A person may—

(a) inspect any document lodged with the registrar-general under this Act or the repealed Act; and

(b) obtain from the registrar-general a copy of, or an extract from, or a certified copy or certified extract, as the person requires, of or from any document that the person is entitled to inspect; and

(c) obtain from the registrar-general a certified copy of the certificate of incorporation of an incorporated association.

Note 1 A fee may be determined under s 125 (Determination of fees) for this section.

Note 2 A person cannot inspect or obtain a copy of another person's address that is contained in a lodged document if the other person has asked for their address to be kept confidential under s 13A.

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(2) In this section—

(a) a reference to a copy of, or an extract from, a document includes a reference to a print-out of the matters or some of the matters contained in the document and recorded in a computerised database comprising the matters contained in documents issued by or lodged with the registrar-general; and

(b) a reference to a document includes a reference to—

(i) a copy of a certificate of incorporation kept by the registrar-general under section 10; and

(ii) an application lodged with the registrar-general under this Act; and

(iii) if a reproduction or transparency of a document lodged with the registrar-general has been incorporated in a register—the reproduction or transparency; and

(iv) a display on the screen of a computer terminal of a matter or matters recorded in the computerised database referred to in paragraph (a);

but does not include a reference to any document disposed of by the registrar-general under section 12.

12 Disposal of documents

The registrar-general may dispose of—

(a) any document lodged with the registrar-general in relation to an incorporated association that, at least 7 years previously, was dissolved or ceased to be registered or the incorporation of which was cancelled; or

(b) any document of which a reproduction or transparency has been incorporated in a register under section 9;

if, in the opinion of the registrar-general, it is no longer necessary or desirable to keep the document.

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13 Defective documents

(1) If the registrar-general is of the opinion that a document submitted for lodgment with the registrar-general—

(a) contains matter contrary to law; or

(b) contains matter that is, in a material particular, false or misleading in the form or context in which it appears; or

(c) has not been duly completed because of an omission or misdescription; or

(d) does not comply with this Act; or

(e) contains an error, alteration or erasure;

the registrar-general may refuse to receive or register the document and may require—

(f) that the document be appropriately amended or completed and resubmitted; or

(g) that another document be lodged in place of the defective document; or

(h) if the document has not been duly completed—that a supplementary document be lodged.

Note If a form is approved under s 126 (Approved forms) for a document, the form must be used.

(2) The registrar-general may require a person who submits a document for lodgment with the registrar-general to give the registrar-general any other document or further information that the registrar-general thinks necessary in order to form an opinion whether the registrar-general may refuse to receive or register the document.

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13A Addresses may be kept confidential

(1) This section applies to a document that is or has been lodged with the registrar-general under this Act.

(2) A person whose address is contained in the document may ask the registrar-general, in writing, to keep the person's address confidential.

Note If a form is approved under s 126 (Approved forms) for a request, the form must be used.

(3) If a person makes a request under subsection (2), the registrar-general must ensure that any document the subject of the request is made available for inspection under section 11 only in a way that does not show the person's address.

(4) However, a person who is the public officer of an incorporated association must have at least 1 address available for inspection under section 11.

Note A public officer's address may be a residential, business or PO box address.

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Part 3 Incorporation generally

Division 3.1 Preliminary

14 Eligibility for incorporation

(1) An association is eligible for incorporation if it—

(a) has at least 5 members; and

(b) is formed or carried on for a lawful object; and

(c) is not ineligible for incorporation under subsection (2).

(2) An association is ineligible for incorporation under this subsection if it—

(a) is formed or carried on with the object of trading or obtaining pecuniary gain for its members; or

(b) is trading or obtaining pecuniary gain for its members; or

(c) has capital divided into shares or stock held by its members; or

(d) holds property in which its members have an alienable interest, whether directly or in the form of shares or stock in its capital or otherwise; or

(e) is capable of applying for registration as an organisation under the *Fair Work (Registered Organisations) Act 2009* (Cwlth), chapter 2, part 2.

15 Ineligible associations—incorporation

(1) The Minister may declare an association to be eligible for incorporation under this Act even though the association is formed or carried on with the object of obtaining pecuniary gain, or trading or obtaining pecuniary gain, for the members of the association.

Note Power given under an Act to make a statutory instrument includes power to make different provision for different categories, eg different classes of people (see Legislation Act, s 48).

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(2) The Minister may make the incorporation of an association under a declaration subject to any conditions determined by the Minister.

(3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

16 Matters preliminary to incorporation

An association or a group of 5 or more persons proposing to form and incorporate an association may, by resolution—

(a) authorise a person who is at least 18 years of age and who resides in the ACT to apply for the incorporation of the association or proposed association; and

(b) approve a statement of the objects of the association or proposed association for the purposes of the application; and

(c) adopt rules of the association or proposed association, being—

(i) the model rules, as in force from time to time; or

(ii) rules other than the model rules, being rules that comply with section 32; and

(d) appoint at least 3 members of the association or of the group proposing to form and incorporate an association to be the inaugural members of the committee of the incorporated association if the application is successful.

17 Powers of authorised person

(1) An authorised person may—

(a) lodge an application with the registrar-general for the incorporation of an association or proposed association; and

(b) do anything necessary to secure the incorporation of the association or proposed association.

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(2) Subsection (1) (b) applies in relation to an authorised person despite any provision to the contrary in the rules adopted by the association or proposed association under section 16 (c).

Division 3.2 Incorporation

18 Applications for incorporation

(1) An application for the incorporation of an association or proposed association—

(a) must state—

(i) the proposed name of the association or proposed association (being a name that complies with division 3.5); and

(ii) the name and address of the applicant; and

(iii) the name and address of the person who will be the inaugural public officer of the association; and

(iv) the name and address of each person who will be an inaugural member of the committee of the association or proposed association; and

(v) the address and hours of opening of the registered office (if any) of the association or proposed association in accordance with section 121 (1); and

(vi) the prescribed particulars (if any); and

Note A person may ask the registrar-general to keep their address confidential (s 13A (2)). However, a public officer must have at least 1 address publicly available (s 13A (4)).

(b) must be accompanied by—

(i) a copy of a statement of the objects of the association or proposed association approved under section 16 (b); and

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(ii) a notice (if any) given under section 37 (3) stating the name reserved for incorporation of the association or proposed association; and

(iii) a statement to the effect that the model rules as in force from time to time have been adopted as the rules of the association or proposed association under section 16 (c) (i), or a copy of the rules of the association or proposed association adopted under section 16 (c) (ii); and

(iv) a notice specifying particulars of any trust relating to the association or proposed association, with a copy of the deed or other instrument creating or embodying the trust; and

(v) a statement by the applicant in accordance with subsection (2); and

(vi) the prescribed documents (if any).

Note If a form is approved under s 126 (Approved forms) for an application or notice, the form must be used.

(2) A statement by the applicant for subsection (1) (b) (v) must certify that—

(a) the applicant is authorised to apply for the incorporation of the association or proposed association under section 16 (a); and

(b) the particulars stated in the application are correct; and

(c) the copy of each document accompanying the application is a true copy of the document.

19 Certificate of incorporation

If—

(a) an application for the incorporation of an association or proposed association is made under section 18; and

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(b) the registrar-general is satisfied that the association is, or would be, when formed, eligible for incorporation under this Act;

the registrar-general must incorporate the association or proposed association by issuing to it a certificate of incorporation.

20 Date of incorporation

An association is taken to have been incorporated on the date stated in the certificate of incorporation as the date of incorporation.

21 Constitution of incorporated associations

(1) An incorporated association is, subject to this Act and the rules of the association, taken to be constituted, under the name stated in the certificate of incorporation issued for the association, by the persons who are its members from time to time.

(2) For subsection (1), persons who were, immediately before the date on which an association was incorporated—

(a) for an association for which the certificate was issued under section 19—members of the association, or members of the group proposing to form the association; or

(b) for an association incorporated under section 27—the members of the associations that amalgamated under that section;

are taken to have been members of the association at the time the association was incorporated.

22 Corporate identity

An incorporated association—

(a) is a body corporate with perpetual succession; and

(b) must have a common seal; and

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(c) has power to acquire, hold and dispose of real and personal property; and

(d) is capable of suing and being sued in its corporate name; and

(e) is capable of performing all the functions of a body corporate.

23 Property

(1) Any property that was, immediately before the date on which an association was incorporated, held, in trust or otherwise, on behalf of the association or proposed association by any person (including, for an association incorporated under section 27, property held by or on behalf of an amalgamating association within the meaning of division 3.3) is taken to have vested in the association on incorporation.

(2) Property referred to in subsection (1) vests in an association subject to any mortgage, charge, encumbrance, lien, lease, covenant, contract or other liability affecting the property immediately before the date on which the association was incorporated, and subject to the provisions of any trust affecting the property immediately before that date.

(3) After property that is taken to have vested in an association in accordance with subsection (1) has been delivered or transferred to the association, the trustee of that property immediately before it became so vested is liable or accountable for the property and is not bound to see to the application, distribution or appropriation of that property.

24 Legal capacity of incorporated associations

An incorporated association has, both within and outside the ACT, the legal capacity of a natural person and, without limiting the generality of the foregoing, has, both within and outside the ACT, power—

(a) to grant a floating charge on property of the association; and

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(b) to arrange for the association to be registered or otherwise recognised as a corporate body in a place outside the ACT; and

(c) to do any act that it is authorised to do by any other law.

25 Restriction of actions

(1) The objects or rules of an incorporated association may contain an express restriction on, or an express prohibition of, the exercise by the association of any power given by this Act to the association.

(2) If an incorporated association—

(a) purports to exercise a power contrary to an express restriction on, or an express prohibition of, the exercise of that power, being a restriction or prohibition contained in the objects or rules of the association; or

(b) does an act otherwise than in accordance with the objects of the association;

the association contravenes this subsection.

(3) An officer of an incorporated association must not, by act or omission, directly or indirectly, be knowingly concerned in or party to a contravention by the association of subsection (2).

(4) If, by purporting to exercise a power as mentioned in subsection (2) (a), or by doing an act as mentioned in subsection (2) (b), an incorporated association contravenes subsection (2), the purported exercise of the power, or the act, is not taken to be invalid only because of the contravention.

(5) An act by an officer of an incorporated association is not taken to be invalid only because the act is prohibited by subsection (2).

(6) The fact that—

(a) by purporting to exercise a power as mentioned in subsection (2) (a), or by doing an act as mentioned in

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subsection (2) (b), an incorporated association contravened, or would contravene, subsection (2); or

(b) by doing a particular act, an officer of an incorporated association contravened, or would contravene, subsection (3);

is not admissible in evidence in any proceedings except—

(c) a prosecution of a person for an offence against this Act; or

(d) proceedings against the association by a member of the association to restrain the association from doing any act; or

(e) proceedings by the association or by a member of the association against an officer or former officer of the association; or

(f) an application by the registrar-general or by a member of the association to wind up the association.

Division 3.3 Incorporation of amalgamating associations

26 Amalgamation of incorporated associations

(1) Two or more incorporated associations proposing to amalgamate (in this division called the ***amalgamating associations***) may lodge with the registrar-general a joint application for incorporation as a single association (in this division called the ***new association***) if—

(a) the terms of the proposed amalgamation and a statement of the objects of the new association have each been approved by a special resolution passed by each amalgamating association; and

(b) the model rules as in force from time to time, or other rules that comply with section 32, have been adopted as the rules of the new association by a special resolution passed by each amalgamating association.

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(2) An application—

(a) must state—

(i) the proposed name of the new association (being a name that complies with division 3.5); and

(ii) the name and address of the person nominated by the amalgamating associations to be the inaugural public officer of the new association; and

(iii) the names and addresses of at least 3 persons nominated by the amalgamating associations to be the inaugural members of the committee of the new association; and

(iv) the address and hours of opening of the registered office (if any) of the new association in accordance with section 121 (1); and

(v) the prescribed particulars (if any); and

Note A person may ask the registrar-general to keep their address confidential (s 13A (2)). However, a public officer must have at least 1 address publicly available (s 13A (4)).

(b) must be accompanied by—

(i) a copy of the statement of the objects of the new association approved in accordance with section 26 (1) (a); and

(ii) a statement to the effect that the model rules as in force from time to time have been adopted in accordance with section 26 (1) (b) as the rules of the new association, or a copy of other rules adopted in accordance with that section as the rules of the new association; and

(iii) a notice stating particulars of any trust relating to the amalgamating associations or the new association, with a copy of the deed or other instrument creating the trust; and

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(iv) a statement to the effect that the resolutions referred to in subsection (1) (a) and (b) have been duly passed by the amalgamating associations; and

(v) a statement by the applicants in accordance with subsection (3); and

(vi) the prescribed documents (if any).

Note If a form is approved under s 126 (Approved forms) for an application, notice or statement, the form must be used.

(3) A statement for subsection (2) (b) (v) must be made jointly by the amalgamating associations to the effect that—

(a) the particulars stated in the application are correct; and

(b) the copy of each document accompanying the application is a true copy of the document.

27 Incorporation of amalgamating associations

If the registrar-general is satisfied—

(a) that each amalgamating association making an application under section 26 (1) has complied with this Act; and

(b) that the new association is, or would be when formed, eligible for incorporation under this Act;

the registrar-general must incorporate the new association by issuing to it a certificate of incorporation.

28 Effect of incorporation—amalgamated associations

(1) On the incorporation of a new association under section 27—

(a) each of the amalgamating associations that was a party to the incorporation is taken to have been dissolved and to have had its incorporation cancelled; and

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(b) the bodies corporate previously constituted by the amalgamating associations are taken to be subsumed in the body corporate constituted by the new association; and

(c) any property or proprietary or other right that was, immediately before the date when the new association was incorporated, vested in an amalgamating association are, subject to any trust affecting the property or right, taken to be vested in, and may be exercised or enforced by, the new association; and

(d) any liability, obligation or penalty that could have been enforced against or recovered from an amalgamating association immediately before that date is enforceable against or recoverable from the new association; and

(e) any investigation, legal proceeding or remedy that could, immediately before that date, have been instituted, continued or enforced against an amalgamating association may be instituted, continued or enforced against the new association; and

(f) this Act applies in relation to the new association as if it had been incorporated under section 19.

(2) If, under subsection (1) (c), land or an interest in land (being land in the ACT) held by an existing association is taken to be property of a new association, the registrar-general must, on production of the certificate of incorporation of the new association, endorse the relevant certificate of title in the register kept under the *Land Titles Act 1925* to that effect.

(3) A reference in a will or other instrument to an association that was a party to the incorporation of a new association under section 27 must, unless the will or other instrument otherwise provides, be construed as a reference to the new association.

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Division 3.4 Objects and rules of incorporated associations

29 Objects

The objects of an incorporated association are the objects appearing in the statement of the association's objects lodged with the registrar-general under section 18 (1) (b) (i) or 26 (2) (b) (i), being those objects as altered from time to time in accordance with section 30.

30 Alteration of objects

(1) An incorporated association may, by special resolution, alter its objects.

(2) An incorporated association must, not later than 1 month after a special resolution to alter the objects of the association has been passed by the association, lodge with the registrar-general a notice setting out the particulars of the alteration.

Maximum penalty: 2 penalty units.

Note If a form is approved under s 126 (Approved forms) for a notice, the form must be used.

(3) A resolution to alter the objects of an incorporated association is of no effect until the notice has been lodged.

31 Rules

(1) The rules of an incorporated association are—

(a) if the association, or a group of persons proposing to form the association, has adopted the model rules under section 16 (c) (i), 26 (1) (b) or 33 (1) (a)—those rules as in force from time to time; or

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(b) if the association, or group, has adopted rules other than the model rules under section 16 (c) (ii), 26 (1) (b) or 33 (1) (b)—those rules as altered from time to time in accordance with section 33.

(2) If the model rules make provision in relation to any matter not provided for in the rules of an incorporated association, the rules of the association are taken to include the provision of the model rules in relation to that matter.

32 Rules other than model rules

For sections 16 (c) (ii), 26 (1) (b) and 33 (1) (b), rules other than the model rules are taken to comply with this section if they—

(a) provide for the matters stated in schedule 1, column 2 as required by schedule 1, column 3; and

(b) provide for any prescribed matters; and

(c) are arranged numerically by subject matter.

33 Alteration of rules

(1) Subject to this Act, an incorporated association may, by special resolution, alter its rules in whole or in part and may, in particular—

(a) adopt as its rules the model rules as in force from time to time instead of rules other than the model rules adopted under section 16 (c) (ii) or 26 (1) (b) or paragraph (b); or

(b) adopt as its rules other rules that comply with section 32 instead of the model rules adopted under section 16 (c) (i) or 26 (1) (b) or paragraph (a).

(2) If an incorporated association has resolved to alter its rules, the association must, not later than 1 month after the resolution was passed, lodge with the registrar-general a notice setting out the particulars of the alteration, and including a declaration by at least 2 members of the committee of the association to the effect that a

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special resolution referred to in subsection (1) was duly passed by the association.

Maximum penalty: 2 penalty units.

Note If a form is approved under s 126 (Approved forms) for a notice, the form must be used.

(3) If a notice relating to the alteration of the rules of an association has been lodged under subsection (2), the registrar-general may give notice to the association that it is required to lodge a copy of its rules with the registrar-general.

(4) If an incorporated association has been given notice by the registrar-general under subsection (3), the association must, not later than 1 month after the date of the notice, lodge with the registrar-general a printed copy, in consolidated form, of the association's rules as altered and in force at that date.

Maximum penalty: 2 penalty units.

(5) A resolution to alter the rules of an incorporated association is of no effect until a notice has been lodged by the association under subsection (2).

34 Illegal objects or rules

An object or rule of an incorporated association that is inconsistent with this Act or with another law in force in the ACT is of no effect.

35 Copies of documents for members

(1) On the request of a member of an incorporated association, the association must give the member—

(a) a copy of a current statement of the objects of the association; or

(b) a copy of the rules of the association currently in force; or

(c) a copy of the deeds of any trust relevant to the association.

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(2) An incorporated association may charge a fee not exceeding the fee determined under section 125 (Determination of fees) for this section for each copy of a document given to a member under subsection (1).

Division 3.5 Names of incorporated associations

36 Names

The name of an incorporated association must include, at the end of the name, the word ‘Incorporated’ or the abbreviation ‘Inc.’.

37 Reservation of names

(1) An authorised applicant may lodge with the registrar-general an application for the reservation of the name specified in the application as—

(a) the name of a proposed association in relation to which an application for incorporation is to be lodged; or

(b) the name of an association that intends to apply for incorporation; or

(c) the name of a new association within the meaning of division 3.3; or

(d) the new name that an incorporated association has resolved to apply for approval to adopt under section 38 (1).

Note If a form is approved under s 126 (Approved forms) for an application, the form must be used.

(2) If—

(a) the registrar-general is satisfied that an application is made in good faith; and

(b) the name specified in the application is available for reservation;

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the registrar-general must reserve the name, for the period of 4 months beginning on the date when the application was lodged, for the association or proposed association to which the application relates.

(3) As soon as practicable after making a decision in relation to an application for the reservation of a name, the registrar-general must, by notice in writing to the applicant, tell the applicant of that decision.

(4) The reservation of a name for an association, proposed association or incorporated association does not of itself entitle the association or proposed association to be incorporated under the reserved name, or entitle the incorporated association to change its name to the reserved name.

(5) For subsection (2) (b), a name is taken to be available for reservation for an association or proposed association unless it is—

(a) a name that is, in the opinion of the registrar-general, undesirable; or

(b) a name or a name of a kind stated by the Minister in writing for this paragraph; or

(c) a business name registered under the *Business Names Registration Act 2011* (Cwlth); or

(d) the name of an incorporated association; or

(e) reserved for another association or proposed association; or

(f) a name that so closely resembles a name referred to in paragraph (d) or (e) as to be likely to be mistaken for it.

(6) An instrument under subsection (5) (b) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

(7) If the registrar-general refuses to reserve a name or a name of a kind referred to in subsection (5) (a), (b) or (f) for an association or

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proposed association, the authorised applicant may apply to the Minister for consent to the reservation of the name for the association or proposed association and, if the Minister gives that consent, the name is, for subsection (2) (b), taken to be available for reservation.

(8) In this section:

authorised applicant, in relation to an association or proposed association, means—

(a) an authorised person; or

(b) for a new association within the meaning of division 3.3—a person authorised for subsection (1) by the amalgamating associations; or

(c) for an incorporated association that has resolved to apply to the registrar-general for approval to adopt a new name—the public officer of the association.

38 Change of name

(1) An incorporated association may, by special resolution, resolve to apply to the registrar-general for approval to adopt a new name.

(2) An application must include a declaration by at least 2 members of the committee of the association to the effect that a special resolution referred to in subsection (1) was duly passed by the association.

Note If a form is approved under s 126 (Approved forms) for an application, the form must be used.

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(3) If the new name has been reserved for the association in accordance with section 37 and the registrar-general approves the adoption of the new name by the association, the registrar-general must issue to the association a certificate of incorporation under the new name.

39 Compulsory change of name

(1) If it appears to the registrar-general that an association has been incorporated under a name or a name of a kind referred to in section 37 (5) without the consent of the Minister, the registrar-general may, by notice in writing to the association, direct the association to change its name.

(2) A direction to an association under subsection (1) has effect as if it were a special resolution of the association passed under section 38 (1).

40 Effect of change of name

(1) A change of name of an incorporated association under section 38 is not taken to—

(a) create a new legal entity; or

(b) prejudice or affect the identity of the body corporate constituted by the association or its continuity as a body corporate; or

(c) affect the date of incorporation of the association; or

(d) affect the property, or the rights and obligations of the association; or

(e) render defective any legal proceedings by or against the association.

(2) If the name of an incorporated association has been changed, any legal proceedings that could have been continued or instituted by or against the association in its former name may be continued or instituted by or against the association in its new name.

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41 Name on association's documents etc

The name of an incorporated association must appear in legible characters—

(a) on the common seal of the association; and

(b) on every business letter, statement of account, invoice, official notice, publication, bill of exchange, promissory note, endorsement, cheque or other negotiable instrument, order, receipt and letter of credit issued or executed by or on behalf of the association.

Maximum penalty: 2 penalty units.

Division 3.6 Contracts

42 References to purported entry into contracts etc—div 3.6

(1) For this division, a nonexistent incorporated association purports to enter into a contract if—

(a) a person executes a contract in the name of an incorporated association where no incorporated association of that name exists; or

(b) a person purports to enter into a contract as agent or trustee for a proposed incorporated association.

(2) For this division, a person purports to execute a contract as agent or trustee of a nonexistent incorporated association if the person executes a contract or purports to enter into a contract mentioned in subsection (1) (a) or (b).

(3) For this division, the incorporation of an association in relation to the purported entry into a contract by a nonexistent incorporated association means—

(a) if a person has executed a contract in the name of an incorporated association where no incorporated association of

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that name exists—the incorporation of an association that, having regard to all the circumstances, is reasonably identifiable with the proposed incorporated association in the name of which the contract was executed; or

(b) if a person has purported to enter into a contract as an agent or trustee for a proposed incorporated association—the incorporation of an association that, having regard to all the circumstances, is reasonably identifiable with the proposed incorporated association.

43 Ratification of pre-incorporation contracts

(1) If—

(a) a nonexistent incorporated association purports to enter into a contract; and

(b) the association is incorporated within a reasonable time after the contract is purported to have been entered into;

the incorporated association may, within a reasonable time after its incorporation, ratify the contract.

(2) If an incorporated association ratifies a contract as provided for in subsection (1), the association is bound by, and is entitled to the benefit of, the contract as if the association had been incorporated before the contract was entered into and had been party to the contract.

(3) For this division, a contract may be ratified by an incorporated association in the same manner as a contract may be entered into by an incorporated association under section 47, and section 47 has effect as if—

(a) a reference in that section to entering into a contract included a reference to ratifying a contract; and

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(b) the reference in section 56 to a contract executed, or purporting to have been executed, under the common seal of an incorporated association included a reference to a contract ratified, or purporting to have been ratified, under the common seal of an incorporated association.

44 Liability of party to contract

(1) If—

(a) a person purports to enter into a contract as agent or trustee for a proposed incorporated association; and

(b) the association is incorporated within a reasonable time after the person purported to enter into the contract but does not ratify the contract within a reasonable time after the association was incorporated;

then, despite any rule of law or equity to the contrary, the person has no right of indemnity against the incorporated association in relation to the contract.

(2) If a nonexistent incorporated association purports to enter into a contract and the association—

(a) is not incorporated within a reasonable time after the contract is purported to be entered into; or

(b) is incorporated within that time but does not ratify the contract within a reasonable time after being incorporated;

the other party or each of the other parties to the contract may, subject to subsections (5) and (6), recover from the person or from any 1 or more of the persons who purported to execute the contract on behalf of the nonexistent incorporated association an amount of damages equivalent to the amount of damages for which the party could have obtained a judgment against the incorporated association if—

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(c) where the association has not been incorporated as referred to in paragraph (a)—the association had been incorporated and had ratified the contract under section 43 (1); or

(d) where the association has been incorporated as referred to in paragraph (b)—the association had ratified the contract under section 43 (1);

and the contract had been discharged because of a breach of the contract constituted by the refusal or failure of the incorporated association to perform any obligation under the contract.

(3) If—

(a) proceedings are brought to recover damages under subsection (2) in relation to a contract purported to have been entered into by a nonexistent incorporated association; and

(b) the association has been incorporated;

the court may, if it thinks it just to do so, make either or both of the following orders:

(c) an order directing the incorporated association to transfer or pay to any party to the contract who is named in the order any property, or an amount not exceeding the value of any benefit, received by the incorporated association as a result of the contract;

(d) an order that the incorporated association pay the whole or a specified portion of any damages that, in those proceedings, the defendant has been or is found liable to pay.

(4) If, in proceedings to recover damages under subsection (2) in relation to a contract purported to be entered into by a nonexistent incorporated association, the court makes an order under subsection (3) (c), the court may refuse to award any damages in the proceedings, or may award an amount of damages less than the amount the court would have awarded if the order had not been made.

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(5) If—

(a) a nonexistent incorporated association purports to enter into a contract; and

(b) the association is incorporated and ratifies the contract as provided for in section 43 (1); and

(c) the contract is discharged by a breach of the contract constituted by a refusal or failure of the incorporated association to perform all or any of its obligations under the contract; and

(d) the other party or any 1 or more of the other parties to the contract brings or bring proceedings against the incorporated association for damages for breach of the contract;

the court may, subject to subsection (7), if it thinks it just to do so, order the person or any 1 or more of the persons who purported to execute the contract on behalf of the incorporated association to pay to the person or persons by whom the proceedings are brought the whole or a specified portion of any damages that the incorporated association has been, or is, found liable to pay to the person or persons by whom the proceedings are brought.

(6) If a person purports, whether alone or together with another person or persons, to execute a contract on behalf of a nonexistent incorporated association, the other party to the contract, or any of the other parties to the contract, may, by writing signed by the party or parties, consent to the firstmentioned person or persons being exempted from any liability in relation to the contract.

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(7) If a person has, in accordance with subsection (6), consented to the exemption of another person from liability in relation to a contract that the other person purported to execute on behalf of a nonexistent incorporated association—

(a) despite subsection (2), the firstmentioned person is not entitled to recover damages from that other person in relation to that contract; and

(b) the court shall not, in proceedings referred to in subsection (5), order that other person to pay to the firstmentioned person any damages or proportion of the damages that the incorporated association has been, or may be, found liable to pay to that firstmentioned person.

45 Substituted contract

If—

(a) a nonexistent incorporated association purports to enter into a contract; and

(b) the association is subsequently incorporated; and

(c) the incorporated association and the other party or parties to the contract enter into a contract in substitution for the firstmentioned contract;

any liabilities to which the person who purported to execute the firstmentioned contract on behalf of the nonexistent incorporated association is subject, under this division, in relation to the firstmentioned contract (including liabilities under an order made by a court under this division) are taken to have been discharged.

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46 Substituted rights and liabilities

Any rights or liabilities of a person under this division (including rights or liabilities under an order made by a court under this division) in relation to a contract are taken to be substituted for any rights that the person would have, or any liabilities to which the person would be subject, apart from this division.

47 Post-incorporation contracts

(1) A person acting with the express or implied authority of an incorporated association may enter into, vary or discharge a contract in the name of or on behalf of the association as if the contract were entered into, varied or discharged by an individual.

(2) The entering into, variation or discharge of a contract in accordance with subsection (1) binds the association and the other party or parties to the contract.

Division 3.7 Rights and liabilities of members and officers

48 Relationship between association and members

The rules of an incorporated association are taken to bind the association and its members from time to time as if the rules had been signed and sealed by each member and contained covenants on the part of each member to observe all the rules.

49 Court's jurisdiction

A member of an incorporated association who is deprived by a decision of the association of a right conferred on the member, as a member, by the rules of the association, may apply to the court for an order to vary or set aside the decision.

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50 Rules of natural justice

If an incorporated association exercises any power that it has to adjudicate a dispute between its members, or between itself and a member or members, in relation to the rights given to the members by the rules of the association, any decision made by the association is not taken to be valid unless, in any proceedings in relation to the dispute, the rules of natural justice have been complied with.

51 Liability of officers and members

An officer or a member of an incorporated association is not, except as otherwise provided by this Act or the rules of the association, taken, only because of being a member or officer, to be liable to contribute to the payment of any debts or other liabilities incurred by the association, or to the costs, charges or expenses incurred in the course of winding up the association.

52 Property rights

Membership of an incorporated association is not, except as otherwise provided by this Act, taken to give the members of the association any right, title or interest, whether legal or equitable, in the property of the association.

53 Enforcement of rights

(1) On the application of an incorporated association or a member of an incorporated association, the court may, by order—

(a) give directions for the performance and observance of the rules of the incorporated association by any person who is under an obligation to perform or observe those rules; and

(b) declare and enforce the rights or obligations of members of an incorporated association between themselves, or the rights or obligations between an incorporated association and a member of the incorporated association.

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(2) On hearing an application, the court may make an order whether or not the application relates to a right or interest in property, and whether or not the applicant has an interest in property of the association.

Division 3.8 Miscellaneous

54 Disposal of trust property

(1) If a trust in relation to property held by an incorporated association has come wholly or partly to an end, the association may apply to the court for an order authorising the disposal of all or part of the property.

(2) Application for an order must be made—

(a) if the value of the property does not exceed $50 000—to the Magistrates Court; or

(b) in any other case—to the Supreme Court.

(3) On hearing an application, the court may, if it thinks it just to do so, make an order—

(a) authorising the disposal of all or part of the property; and

(b) directing the way in which the proceeds from the disposal of the property or part are to be dealt with.

(4) An application may be made, and the court may exercise its powers, even though the deed or other instrument creating or embodying the trust does not, or the rules of the association do not, contain any power to dispose of the property or prohibit the disposal of the property.

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55 Authentication and execution of documents

(1) A document or proceeding requiring authentication by an incorporated association may be authenticated by the signature of the public officer or the secretary (if any) of the association and need not be authenticated under the common seal of the association.

(2) An incorporated association may, by writing under its common seal, empower a person, either generally or in relation to a stated matter or matters, as its agent or attorney to execute deeds on its behalf, and a deed signed by the agent or attorney under the agent's or attorney's seal on behalf of the association binds the association and has the same effect as if it were under the association's common seal.

(3) The authority of an agent or attorney empowered to act on behalf of an incorporated association under subsection (2), as between the association and a person dealing with the agent or attorney, continues during the period (if any) stated in the instrument conferring the authority or, if no period is stated, until notice of the revocation or termination of the agent's or attorney's authority has been given to that person.

(4) Nothing in this section is taken—

(a) to affect the operation of any law in force in the ACT that requires some consent or sanction to be obtained, or some procedure to be complied with, in relation to the entering into, variation or discharge of a contract; or

(b) to prevent an incorporated association from entering into, varying or discharging a contract under its common seal.

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56 Validity of documents executed under common seal

A contract or other instrument executed, or purporting to have been executed, under the common seal of an incorporated association is not taken to be invalid only because a person attesting the fixing of the common seal was in any way, directly or indirectly, interested in the contract or other instrument or in the matter to which the contract or other instrument relates.

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Part 4 Management

57 Public officer

(1) An incorporated association must have a public officer.

(2) A person is not eligible to be the public officer of an incorporated association unless the person resides in the ACT and is at least 18 years of age.

(3) The public officer of an incorporated association may, unless the rules of the association otherwise provide, hold any office of the association in addition to the office of public officer.

(4) An act of the public officer of an incorporated association is not taken to be invalid only because—

(a) there is a defect in the public officer's appointment; or

(b) the public officer was not eligible to be the public officer under subsection (2); or

(c) the office of the public officer was, at the time of the act, taken to be vacant under section 64 (2).

58 Inaugural public officer

The inaugural public officer of an association incorporated under this Act is, unless the rules of the association otherwise provide, taken to be—

(a) for an association incorporated under section 19—the person authorised under section 16 (a) to apply for the incorporation of the association; or

(b) for an association incorporated under section 27—the person nominated as the inaugural public officer of the association under section 26 (2) (a) (ii).

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59 Notice of public officer's appointment or change of address

(1) A person who is appointed to be the public officer (other than the inaugural public officer) of an incorporated association must, not later than 1 month after being appointed, lodge with the registrar-general a notice of the appointment.

Maximum penalty: 2 penalty units.

Note If a form is approved under s 126 (Approved forms) for a notice under this section, the form must be used.

(2) If the public officer of an incorporated association changes the public officer's address, the public officer must, within 1 month after the change, lodge with the registrar-general a notice of the change.

Maximum penalty: 1 penalty unit.

Note A person may ask the registrar-general to keep their address confidential (s 13A (2)). However, a public officer must have at least 1 address publicly available (s 13A (4)).

60 Committee

(1) An incorporated association must have a committee of at least 3 members of the association.

(2) The committee of an incorporated association has the management of the association.

61 Inaugural committee

The inaugural members of the committee of an association incorporated under this Act are, unless the rules of the association otherwise provide, taken to be—

(a) for an association incorporated under section 19—the persons appointed under section 16 (d); or

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(b) for an association incorporated under section 27—the persons nominated for section 26 (2) (a) (iii).

62 Notice of changes in committee

(1) If—

(a) a person becomes a member (other than an inaugural member) of the committee of an incorporated association; or

(b) the office of a member of the committee of an incorporated association becomes vacant; or

(c) a member of the committee of an incorporated association changes the member's address;

the association must, not later than 1 month after the occurrence of the event referred to in paragraph (a), (b) or (c), lodge with the registrar-general notice of the occurrence.

Maximum penalty: 1 penalty unit.

(2) If a member of the committee of an incorporated association changes the member's address the member must, within 1 month after the change occurred, notify the association of the change.

Maximum penalty: 1 penalty unit.

Note 1 If a form is approved under s 126 (Approved forms) for a notice, the form must be used.

Note 2 A person may ask the registrar-general to keep their address confidential (s 13A (2)).

63 Disqualification from office––convictions or bankruptcy

(1) A person who has been convicted, whether in or outside the ACT, of—

(a) an indictable offence in relation to the promotion, formation or management of a body corporate; or

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(b) an offence involving fraud or dishonesty punishable by imprisonment for a period of 3 months or more;

must not, within the period of 5 years after the person was convicted or released from imprisonment for the offence, whichever is later, without leave of the Supreme Court, accept an appointment or act as the public officer or a member of the committee of an incorporated association.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) A person who is bankrupt or personally insolvent must not, without leave of the Supreme Court, accept an appointment or act as the public officer or a member of the committee of an incorporated association.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(3) A person referred to in subsection (1) may apply to the Supreme Court for leave to accept an appointment or to act as the public officer or a member of the committee of an incorporated association.

(4) A person referred to in subsection (2) may apply to the Supreme Court for leave to accept an appointment or to act as the public officer or a member of the committee of an association.

(5) A person intending to make an application under subsection (3) or (4) must lodge with the registrar-general at least 21 days notice of intention to make the application.

(6) On hearing an application under subsection (3) or (4), the Supreme Court may grant or refuse to grant the applicant leave to accept an appointment or to act as the public officer or a member of the committee of an incorporated association, and may, when granting leave, make the grant subject to any conditions or limitations the court thinks fit.

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(7) On the application of the registrar-general, the Supreme Court may revoke or vary leave granted to a person by the court under subsection (6).

(8) A person must not contravene the requirements of any conditions or limitations included in a grant of leave under subsection (6).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

63A Disqualification from office––noncompliance with Act

(1) This section applies if the registrar-general is satisfied that—

(a) a person is, or has been, the public officer or a committee member of an incorporated association; and

(b) the person or the association has failed to comply with this Act.

(2) The registrar-general may apply to the ACAT for an order to disqualify the office-holder.

(3) On application under subsection (2), the ACAT may make an order disqualifying the person from being the public officer or a committee member of an incorporated association for the period the ACAT considers appropriate if satisfied that—

(a) either—

(i) the person has failed to comply with this Act; or

(ii) while the person was the public officer or a committee member of an incorporated association, the association failed to comply with this Act; and

(b) having regard to the extent of the noncompliance, the disqualification is justified.

(4) The ACAT may revoke the order on the application of the person against whom the order was made.

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64 Vacancy in office of public officer

(1) An incorporated association may, by resolution, remove its public officer from office.

(2) The office of the public officer of an incorporated association is taken to be vacant if the public officer—

(a) is removed from office under subsection (1); or

(b) resigns from office; or

(c) dies; or

(d) becomes bankrupt or personally insolvent; or

(e) suffers from mental or physical incapacity; or

(f) was convicted or released from imprisonment for an offence mentioned in section 63 (1) within 5 years immediately before the public officer's appointment, or is convicted of such an offence after taking office; or

(g) is subject to a disqualification order under section 63A; or

(h) ceases to reside in the ACT.

(3) If a vacancy occurs in the office of the public officer of an incorporated association, the committee of the association must, within 14 days after the vacancy occurred appoint a person to fill the vacancy.

(4) If the committee without reasonable cause does not comply with subsection (3), each member of the committee commits an offence.

Maximum penalty (subsection (4)): 2 penalty units.

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65 Disclosure of committee member's interest

(1) If a member of the committee of an incorporated association has any direct or indirect pecuniary interest in a contract or proposed contract to which the association is or may be a party, the committee member must—

(a) as soon as the interest becomes apparent to the member, disclose the nature and extent of the interest to the committee; and

(b) disclose the nature and extent of the interest at the next general meeting of the association.

Maximum penalty: 20 penalty units.

(2) A member of the committee of an incorporated association who has an interest in a contract or proposed contract referred to in subsection (1) must not take part in making any decision in relation to the contract or proposed contract, but may, subject to this section and section 66, participate in any deliberations of the committee in relation to the contract or proposed contract.

Maximum penalty: 20 penalty units.

(3) Subsection (1) does not apply in relation to a member of the committee of an incorporated association in relation to an interest in a contract or proposed contract that arises only because the committee member is an employee of the association.

(4) If a member of the committee of an incorporated association discloses an interest in a contract or proposed contract in accordance with subsection (1), or has an interest in a contract or proposed contract of the kind referred to in subsection (3)—

(a) the contract is not liable to be avoided by the association on any ground arising from the fiduciary relationship between the committee member and the association; and

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(b) the committee member is not liable to account for any profits derived by the member from the contract or proposed contract.

(5) A person who contravenes a provision of this section is liable to the association for any profit made by that person or any other person, and any damage or loss suffered by the association, as a result of that contravention.

66 Information from officers

The registrar-general may, by notice served on a person who, from returns or other information lodged with the registrar-general, appears to be a member of the committee or the public officer of an incorporated association, require the person, within the time stated in the notice, to lodge with the registrar-general a notice—

(a) indicating the person's current home address; and

(b) stating whether or not the person holds the office stated in the registrar-general's notice to the person and, if not, to indicate the date when the person ceased to hold the office.

Note A person may ask the registrar-general to keep their address confidential (s 13A (2)). However, a public officer must have at least 1 address publicly available (s 13A (4)).

67 Register of members

(1) An incorporated association must keep and maintain a register of its members, and must enter any prescribed particulars in the register.

(2) An incorporated association must—

(a) make the register of members available for inspection by members at reasonable times, or at any times stated for the purpose in the rules of the association, at the address of the public officer of the association, at the registered office of the association (if any) or at another place in the ACT nominated by the committee of the association; and

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(b) in each annual return, publish the place where the register is available for inspection.

68 First annual general meeting

An incorporated association must hold its first annual general meeting within the period of 18 months commencing on the date when the association was incorporated.

69 Annual general meetings

An incorporated association must, in addition to any other meeting it holds, hold an annual general meeting, once in each calendar year, within the period of 5 months beginning at the end of the association's most recently ended financial year.

70 Special resolutions

A resolution of an incorporated association is taken to be a special resolution if—

(a) it is passed at a general meeting of the association, being a meeting of which at least 21 days notice, accompanied by notice of intention to propose the resolution as a special resolution, has been given to the members of the association; and

(b) it is passed by at least ¾ of the votes of those members of the association who, being entitled to vote, vote in person or, if the rules of the association permit voting by proxy, vote by proxy at the meeting.

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Part 5 Accounts, audit and annual returns

71 Accounting records

An incorporated association must—

(a) keep accounting records that correctly record and explain the transactions (including any transactions as trustee) and the financial position of the association; and

(b) keep its accounting records in such a way that—

(i) true and fair accounts of the association can be prepared from time to time; and

(ii) a statement of the accounts of the association can conveniently and properly be audited in accordance with this part; and

(c) retain its accounting records for at least 7 years after the transactions to which they relate were completed.

Maximum penalty: 20 penalty units.

72 Annual statement of accounts

(1) Before the end of the period within which the first annual general meeting or any subsequent annual general meeting of an incorporated association is required to be held under section 68 or 69, the committee of the association must prepare a statement of the association's accounts.

Maximum penalty: 20 penalty units.

(2) The statement of accounts must not be misleading and must give a true and fair account of—

(a) the income and expenditure of the association during the most recently ended financial year of the association; and

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(b) the assets and liabilities of the association at the end of that financial year; and

(c) any mortgages, charges or other securities of any description affecting any property of the association at the end of that financial year; and

(d) for each trust of which the association was the trustee during a period in that financial year, being part or all of that financial year—

(i) the income and expenditure of the trust during that period; and

(ii) the assets and liabilities of the trust at the end of that period; and

(iii) any mortgages, charges or other securities of any description affecting any of the property of the trust during that period; and

(e) any prescribed matters.

Maximum penalty: 20 penalty units.

73 Presentation of statement to members

(1) At each annual general meeting of an incorporated association the following documents must be presented by the committee for the consideration of the meeting:

(a) the audited statement of the association's accounts for the most recently ended financial year of the association;

(b) a copy of the auditor's report to the association in relation to the association's accounts for that financial year;

(c) a report signed by 2 members of the committee stating—

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(i) the name of each member of the committee of the association during the most recently ended financial year of the association and, if different, at the date of the report; and

(ii) the principal activities of the association during the most recently ended financial year and any significant change in the nature of those activities that occurred during that financial year; and

(iii) the net profit or loss of the association for the most recently ended financial year.

(2) The committee of an association prescribed for section 76 must ensure that the prescribed number of copies of the documents referred to in subsection (1) (a) and (b) are available for perusal by members of the association immediately before and during the annual general meeting.

Maximum penalty: 20 penalty units.

74 Audit of accounts

(1) The committee of an incorporated association must take reasonable steps to ensure that the audit of the association's accounts is completed at least 14 days before the audited statement of the accounts is required to be presented at the annual general meeting of the association under section 73.

(2) The accounts of an incorporated association must be audited by a person who—

(a) is not an officer of the association; and

(b) has not prepared or assisted with the preparation of those accounts.

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(3) If an incorporated association—

(a) has gross receipts, at the end of a financial year of the association, exceeding the prescribed amount per annum; or

(b) has gross assets, at the end of a financial year of the association, exceeding the prescribed amount; or

(c) is a prescribed association or a member of a prescribed class of associations;

the committee must ensure that the association's accounts are audited by a person who is a member of the Institute of Chartered Accountants in Australia, the Institute of Public Accountants, or CPA Australia, or who is registered as an auditor under the Corporations Act, being a person who is not—

(d) an officer of the association; or

(e) a partner, employer or employee of an officer of the association; or

(f) a partner or employee of an employee of an officer of the association.

(4) If the first financial year of an incorporated association of the kind referred to in subsection (3) ends after the commencement of this Act, the committee is taken to have complied with that subsection in relation to that year if the association's accounts for that year have been audited by a person who is not an officer of the association.

(5) Subsection (3) does not apply to an incorporated association prescribed for section 76.

Maximum penalty: 5 penalty units.

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75 Auditor's powers and duties

(1) An auditor of an incorporated association has a right of access at all reasonable times to the accounting records and other records of the association and is entitled to require from any officer of the association any information and explanations the auditor desires for the purpose of auditing the association's accounts.

(2) If an auditor of an incorporated association, is satisfied that there has been a failure to comply with this Act or with a rule of the association, the auditor must note the matter in the auditor's report to the association in relation to the association's accounts.

76 Auditor of prescribed associations

(1) An incorporated association, being an association prescribed for this section, must appoint an auditor who is registered as an auditor under the Corporations Act, being a person who is not—

(a) an officer of the association; or

(b) a partner, employer or employee of an officer of the association; or

(c) a partner or employee of an employee of an officer of the association.

Maximum penalty: 2 penalty units.

(2) An auditor must report to the association on the accounts required to be laid before the association at the annual general meeting and on the association's accounting records and other records relating to those accounts.

(3) An auditor must, in a report under this section, state—

(a) whether the accounts are in the auditor's opinion properly drawn up—

(i) so as to give a true and fair view of matters required by section 72 (2) to be dealt with in the accounts; and

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(ii) in accordance with the provisions of this Act; and

(iii) in accordance with proper accounting standards; and

(b) if, in the auditor's opinion, the accounts have not been drawn up in accordance with proper accounting standards—

(i) whether, in the auditor's opinion, the accounts would, if drawn up in accordance with proper accounting standards, have given a true and fair view of the matters required by section 72 (2) to be dealt with in the accounts; and

(ii) if, in the auditor's opinion, the accounts would not, if so drawn up, have given a true and fair view of those matters—the auditor's reasons for being of that opinion; and

(iii) if subparagraph (ii) does not apply—particulars of the quantified financial effect on the accounts of the failure to so draw up the accounts; and

(c) any defect or irregularity in the accounts and any matter not set out in the accounts without regard to which a true and fair view of the matters dealt with by the accounts would not be obtained; and

(d) if the auditor is not so satisfied about any matter referred to in paragraph (a) or (b)—the auditor's reasons for not being so satisfied.

(4) It is the duty of the auditor to form an opinion about each of the following matters:

(a) whether the auditor has obtained all the information and explanations that the auditor required;

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(b) whether proper accounting records and other records have been kept by the association as required by this Act;

and the auditor must state in the auditor's report particulars of any deficiency, failure or shortcoming in relation to any matter referred to in this subsection.

(5) An auditor has a right of access at all reasonable times to the accounting records and other records of the association and is entitled to require from any officer of the association any information and explanations the auditor desires for the purpose of auditing the association's accounts.

(6) The auditor's report must be attached to or endorsed on the accounts and must, if a member so requires, be read before the association at the annual general meeting, and is open to inspection by a member at any reasonable time.

(7) An auditor or an agent of the auditor authorised by the auditor in writing for the purpose is entitled to attend any general meeting of the association and to receive all notices of and other communications relating to any general meeting that a member is entitled to receive and to be heard at any general meeting that the auditor attends on any part of the business of the meeting that concerns the auditor in the capacity of auditor and is entitled so to be heard even if the auditor retires at that meeting or a resolution to remove the auditor from office is passed at that meeting.

(8) If an auditor becomes aware that the association or the committee have made default in complying with section 69 or 73 relating to the laying of accounts before the annual general meeting of the association, the auditor must immediately inform the registrar-general by notice in writing and if accounts have been prepared and audited, send to the registrar-general a copy of the accounts and of the auditor's report on those accounts.

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(9) Except in a case to which subsection (8) applies, if an auditor, in the course of the performance of duties as auditor is satisfied that—

(a) there has been a contravention of this Act; and

(b) the circumstances are such that in the auditor's opinion the matter has not been or will not be adequately dealt with by comment in the auditor's report on the accounts or by bringing the matter to the notice of the committee of the association;

the auditor must immediately report the matter to the registrar-general by notice in writing.

(10) In this section:

auditor means an auditor of the incorporated association prescribed for this section.

77 Auditor's liability

An auditor of an incorporated association is not, in the absence of malice by the auditor, liable to any action for defamation in relation to any statement that the auditor makes, orally or in writing, in the exercise of functions as auditor of the association.

78 Obstruction of auditor

An officer of an incorporated association must not, without lawful excuse—

(a) refuse or fail to allow an auditor of the association access, for the purpose of auditing the accounts of the association, to any accounting or other records of the association in the officer's custody or control; or

(b) refuse or fail to give the auditor, within a reasonable time, any information or explanation required by the auditor that is within the knowledge of the officer; or

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(c) otherwise hinder, obstruct or delay an auditor in the exercise of functions as auditor of the association.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

79 Annual returns

(1) Subject to this section, an incorporated association must, within the period of 6 months beginning at the end of each financial year of the association, lodge with the registrar-general—

(a) a statement of particulars relating to the association in the form approved under section 126 (Approved forms) for this section; and

(b) an audited statement of the association's accounts; and

(c) a copy of the auditor's report in relation to those accounts; and

(d) any prescribed documents; and

(e) a statement by 2 members of the committee of the association certifying whether the provisions of this Act that apply to the association in relation to that year in relation to—

(i) the preparation of the annual statement of the association's accounts; and

(ii) the auditing of the accounts and the presentation of the audited statement of accounts at the annual general meeting of the association;

have been complied with.

Maximum penalty: 2 penalty units.

(2) The registrar-general may, in any year, serve on an incorporated association a partly completed annual return in which the registrar-general has set out particulars in relation to the association on the basis of information previously received by the registrar-general.

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(3) If, under subsection (2), the registrar-general serves a partly completed annual return on an incorporated association, the association may—

(a) delete any incorrect particulars appearing in the return and substitute correct particulars of the matters to which the incorrect particulars related; and

(b) complete the return and lodge it with the registrar-general accompanied by the documents referred to in subsection (1) (b), (c) and (d).

(4) If an incorporated association lodges an annual return in accordance with subsection (3), the association is taken to have set out in the return any particulars included in the return that have not been deleted from the return.

(5) If—

(a) the registrar-general serves a partly completed annual return on an incorporated association under subsection (2); and

(b) the association lodges the completed return in accordance with subsection (3) (b) within the period of 6 months after the end of the most recently completed financial year of the association;

the association is taken to have complied with subsection (1) in respect of that financial year.

80 Lodgment of particulars instead of documents

If—

(a) an incorporated association is required by this Act to lodge a document with the registrar-general; and

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(b) without having lodged the document, the association lodges with the registrar-general in accordance with this part an annual return that sets out all the particulars required to be set out in the document;

the association is taken to have lodged the document on the date when the annual return was lodged.

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Part 6 Transfer of incorporation

81 Definitions for pt 6

In this part:

company limited by guarantee—see the Corporations Act.

memorandum—see the Corporations Act.

82 Voluntary transfer of incorporation

(1) An incorporated association may apply to the registrar-general for permission to apply for registration of the association under the Corporations Act as a company limited by guarantee.

(2) The registrar-general must give an incorporated association permission to apply for registration of the association under the Corporations Act as a company limited by guarantee if—

(a) the association has, by special resolution, resolved to apply for registration of the association under the Corporations Act as a company limited by guarantee; and

(b) an application lodged with the registrar-general by the association under subsection (1)—

(i) is signed by the public officer and 2 members of the committee of the association;

(ii) is accompanied by any prescribed documents; and

(iii) includes a statement to the effect that the special resolution referred to in paragraph (a) has been duly passed by the association.

Note If a form is approved under s 126 (Approved forms) for an application, the form must be used.

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83 Cancellation where continued incorporation inappropriate

(1) If the registrar-general is satisfied that the continued incorporation of an association under this Act would be inappropriate or inconvenient because of the registrar-general's assessment of—

(a) the scale or nature of the activities of the association; or

(b) the value or nature of the property of the association; or

(c) the extent or nature of the association's dealings with persons who are not members or applicants for membership of the association;

the registrar-general may—

(d) serve a notice on the association; and

(e) give public notice in relation to the association.

Note ***Public notice*** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see Legislation Act, dict, pt 1).

(2) A notice under subsection (1) (d) and (e) must—

(a) contain a statement to the effect that the incorporation of the association will be cancelled under this section unless, within 2 months of the date when the notice was served or published, whichever is the later, the association—

(i) obtains the registrar-general's permission to apply for registration of the association under the Corporations Act as a company limited by guarantee; or

(ii) by special resolution, resolves to implement an arrangement that, if approved of by the registrar-general, will preserve the continued incorporation of the association under this Act; and

(b) set out the ground or grounds for the proposed cancellation.

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(3) The registrar-general may, if satisfied on application in writing by an association, extend the period for compliance with a notice referred to in subsection (2).

(4) The registrar-general may approve of an arrangement referred to in subsection (2) (a) (ii) if satisfied that, subject to being implemented to the satisfaction of the registrar-general, it will preserve the continued incorporation of the association under this Act.

(5) In considering an arrangement referred to in subsection (2) (a) (ii), the registrar-general may make the arrangement subject to conditions that, if properly observed by the association, will preserve the continued incorporation of the association under this Act.

(6) If an association—

(a) has not complied with either of the requirements of a notice referred to in subsection (2); or

(b) has not implemented an arrangement as approved by the registrar-general;

the registrar-general may—

(c) serve a further notice on the association; and

(d) give a further public notice in relation to the association.

Note ***Public notice*** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see Legislation Act, dict, pt 1).

(7) A notice referred to in subsection (6) (c) and (d) must—

(a) contain a statement to the effect that the incorporation of the association will be cancelled, unless within 1 month after the date when the notice was served or published, whichever is the later, the association shows cause why the incorporation of the association should not be cancelled by the registrar-general; and

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(b) set out the ground or grounds for the proposed cancellation.

(8) If the registrar-general has, in accordance with subsection (6), served a notice on an incorporated association and published a notice in relation to the association the registrar-general may, on the expiration of the period of 1 month referred to in the notice, cancel the incorporation of the association unless the registrar-general is satisfied within that period that the continued incorporation of the association under this Act would not be inappropriate or inconvenient.

(9) A cancellation of incorporation under subsection (8) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(10) The provisions of part 7 that relate to the cancellation of the incorporation of an association under the part apply in relation to the cancellation of the incorporation of an association under this section.

84 Membership of proposed company

Each person who was a member of an incorporated association immediately before its registration under the Corporations Act as a company limited by guarantee is, for the purposes of the association's application for that registration, taken to be a subscriber to the memorandum of the proposed company.

85 Cancellation of incorporation following voluntary transfer

On the registration of an incorporated association under the Corporations Act as a company limited by guarantee, the registrar-general must cancel the incorporation of the association under this Act.

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86 Effect of cancellation of incorporation

On the cancellation under section 85 of the incorporation of an association (the ***former association***) that has been registered as a company—

(a) this Act ceases to apply in relation to the former association; and

(b) the body corporate previously constituted by the former association is taken to be subsumed in the body corporate constituted by the company; and

(c) any property or proprietary or other rights that were, immediately before the cancellation, vested in the former association are taken, subject to any trust affecting the property or part of it, to be vested in, and may be exercised or enforced by, the company; and

(d) any liability, obligation or penalty that could have been enforced against or recovered from the former association immediately before the cancellation is enforceable against or recoverable from the company; and

(e) any investigation, legal proceeding or remedy that could, immediately before the cancellation, have been instituted, continued or enforced against the former association may be instituted, continued or enforced against the company.

87 Transfer of land to company

If, under section 86 (c), any land or interest in land (being land in the ACT) vested in a former association is taken to be vested in a company, the registrar-general must, on production of the certificate of incorporation of the company, endorse the relevant certificate of title in the register kept under the *Land Titles Act 1925* to that effect.

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Part 7 Winding-up

88 Voluntary winding-up

An incorporated association may be wound up voluntarily if the association has, by special resolution, resolved that it be wound up.

89 Application for winding-up by the court

An application to the Supreme Court for the winding-up by the court of an incorporated association may be made by the association, by a member or creditor of the association, or by the registrar-general.

90 Winding-up by the court

The Supreme Court may order that an incorporated association be wound up if—

(a) the association has, by special resolution, resolved that it be wound up by the court; or

(b) the association does not begin its operations within the period of 1 year beginning on the date of incorporation of the association; or

(c) the association suspends its operations for a period exceeding 1 year; or

(d) the association is unable to pay its debts; or

(e) the association (not being an association incorporated under a declaration under section 15 (1)) has, in the opinion of the court, traded or secured pecuniary gain, as trustee or otherwise, for its members; or

(f) for an association incorporated under a declaration under section 15 (1)—the association has not complied with a condition to which the incorporation of the association is subject under section 15 (2); or

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(g) the association has engaged in activities outside the scope of its statement of objects; or

(h) the committee of the association has acted in affairs of the association in the interests of the committee, or of a member or members of the committee rather than in accordance with the statement of objects of the association, or has acted in any other manner that appears to the court to be unjust or inequitable to the members of the association; or

(i) the court is of the opinion that it is just that the association be wound up.

91 Application of Corporations Act

The Corporations Act, part 5.7 applies to the winding-up of an incorporated association subject to the modifications and adaptations stated in schedule 2.

92 Property of defunct association

(1) On the dissolution or the completion of the winding up of an incorporated association, any surplus property of the association is, subject to any trust affecting the property or part of it, taken to—

(a) vest in another association (whether or not the other association is incorporated), being an association that complies with subsection (2) and that—

(i) has been nominated for this paragraph in the rules of the former association; or

(ii) if no association is nominated in those rules—has been nominated by special resolution of the former association; or

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(b) vest in a fund, authority or institution in Australia mentioned in the *Income Tax Assessment Act 1997* (Cwlth), subdivision 30-B that—

(i) has been nominated for this paragraph in the rules of the former association; or

(ii) if a fund, authority or institution in Australia is not nominated in the rules—has been nominated by special resolution of the former association; or

(c) if no association, fund, authority or institution has been nominated in accordance with paragraph (a) or (b)—vest in the registrar-general.

(2) For subsection (1) (a), an association is taken to comply with this subsection if it—

(a) has objects substantially the same as the objects of the former association; and

(b) is not carried on for the object of trading or securing pecuniary gain for its members; and

(c) has a provision in its rules requiring any surplus property of the association to be passed, on the dissolution or winding-up of the association, to another association that—

(i) has objects substantially the same as the firstmentioned association; and

(ii) is not carried on for the object of trading or securing pecuniary gain for its members.

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(3) If, for subsection (1), a former association has nominated another association or a fund, authority or institution, by special resolution, the former association must lodge with the registrar-general a notice in writing, signed by at least 2 members of the committee of the former association, certifying that the special resolution was duly passed.

Maximum penalty: 2 penalty units.

(4) A person aggrieved by the operation of subsection (1) in relation to the surplus property of a former association may apply to the Supreme Court for an order in relation to the property.

(5) If an incorporated association has been wound up and, in accordance with subsection (1), land or an interest in land (being land in the ACT) vested in the incorporated association is taken to vest in another association, in a fund, authority or institution or in the registrar-general, the registrar-general must endorse the relevant certificate of title in the register kept under the *Land Titles Act 1925* to that effect.

(6) In this section:

surplus property means any property or interest in property of a former association that remains after the satisfaction of any debts or liabilities of the former association and any costs, charges or expenses incurred in the winding-up of the former association.

93 Cancellation of incorporation

(1) If the registrar-general has reasonable grounds for believing that an incorporated association—

(a) is not in operation; or

(b) has fewer than 5 members; or

(c) was incorporated as a result of fraud or mistake; or

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(d) has not during the last 3 years convened an annual general meeting of the association in accordance with this Act; or

(e) has not lodged an annual return with the registrar-general in relation to each of the last 2 years; or

(f) has lodged an annual return with the registrar-general in relation to each of the last 3 years and for each one of those returns an auditor, in the course of the auditor's duties to examine the association's accounting records and other records, has stated that the auditor is unable to determine if the return complies with this Act;

the registrar-general may—

(g) serve a notice on the association; and

(h) give public notice in relation to the association.

Note ***Public notice*** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see Legislation Act, dict, pt 1).

(2) A notice under subsection (1) (g) and (h) must—

(a) contain a statement to the effect that if a reply to the notice from the association showing cause why the incorporation of the association should not be cancelled is not received by the registrar-general within the period of 2 months after the date when the notice was served or published, whichever is the later, the incorporation of the association will be cancelled; and

(b) set out the ground or grounds for the proposed cancellation.

(3) If the registrar-general has, in accordance with subsection (1), served a notice on an incorporated association and published a notice in relation to the association the registrar-general may, on the end of the period of 2 months referred to in the notice, in writing, cancel the incorporation of the association unless the registrar-general is satisfied within that period that the association—

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(a) is in operation; and

(b) has at least 5 members; and

(c) was not incorporated as a result of fraud or mistake; and

(d) has during the last 3 years convened an annual general meeting in accordance with this Act; and

(e) has lodged an annual return with the registrar-general in relation to each of the last 2 years.

(4) A cancellation of incorporation under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

(5) If, under section 83 or subsection (3), the registrar-general cancels the incorporation of an association, the registrar-general must send to the public officer of the association at the address appearing in the registrar-general's records as the last notified address of the most recently appointed public officer of the association or, if there appears to be a vacancy in the office of the public officer, to a member of the committee of the association at the address that appears in the registrar-general's records as the last notified address of the association, a notice of the cancellation.

(6) Despite the cancellation of the incorporation of an association under section 83 or subsection (3), any liability of an officer or member of the association existing at the time of cancellation continues and may be enforced as if the incorporation of the association had not been cancelled.

(7) If the registrar-general is satisfied that the incorporation of an association was cancelled as the result of an error on the part of the registrar-general, the registrar-general may reinstate the incorporation of the association, and the association is then taken to have continued in existence as an incorporated association as if its incorporation had not been cancelled.

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(8) If, before the registrar-general cancels the incorporation of an association under section 83 or subsection (3), the incorporated association has commenced to be wound up under section 88 or 90—

(a) the registrar-general may cancel the incorporation despite the commencement of the winding-up; and

(b) the cancellation of the incorporation is not taken to affect the winding-up.

94 Property of former incorporated association

(1) If, under section 83 or 93 (3), the registrar-general cancels the incorporation of an association, and the winding-up of the association was not begun before the date of cancellation, any property or interest in property held by the association, subject to any trust affecting the property or interest, is taken to vest in the registrar-general.

(2) If the incorporation of an association has been cancelled under section 93 (3) and land or an interest in land (being land in the ACT) vested in the incorporated association is taken to vest in the registrar-general under subsection (1), the registrar-general must endorse the relevant certificate of title in the register kept under the *Land Titles Act 1925* to that effect.

95 Property vested in registrar-general

(1) If the registrar-general is satisfied that under section 92 (1) or 94 any property or interest in property of a former association is vested in the registrar-general, whether solely or with any other person, the registrar-general may, subject to any trust affecting the property or interest, get in, sell or otherwise dispose of or deal with the property or interest or any part of the property or interest as the registrar-general thinks fit.

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(2) The power of the registrar-general to sell or otherwise dispose of or deal with property or an interest in property—

(a) may be exercised solely or with any other person, by public auction, public tender or private contract, and in the manner, for the consideration and on the terms and conditions the registrar-general thinks fit; and

(b) includes the power—

(i) to rescind any contract and resell or otherwise dispose of or deal with the property or interest as the registrar-general thinks fit; and

(ii) to execute any contracts, instruments and documents that the registrar-general thinks necessary.

(3) There is payable to the Territory, for the exercise of the registrar-general's powers under subsections (1) and (2), out of any income derived from, or the proceeds of sale of, disposition of or other dealing with, any property or interest in property, the commission (if any) prescribed.

(4) The registrar-general must apply any moneys received in the exercise of a power given by this section in defraying the costs and expenses of and incidental to the exercise of the power and in making payments authorised by this section, and must pay the remainder (if any) of the moneys to the Territory.

(5) A person making a claim in relation to any money paid to the Territory under subsection (4) may apply to the Supreme Court for an order for payment of an amount to the person and, if the court is satisfied that an amount should be paid to the person, it must make an order for the payment accordingly.

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(6) On the making of an order under subsection (5) for payment of an amount to a person or on the registrar-general notifying the Minister that the registrar-general is satisfied that an amount should be paid to a person out of money paid to the Territory under subsection (4), an amount equal to the amount stated in the order or the notification, is payable by the Territory to the person.

(7) Nothing in this section is taken to deprive a person of another right or remedy to which the person is entitled against a liquidator of an incorporated association or another person.

96 Liability in relation to property vested in registrar-general

(1) Property vested in the registrar-general under section 92 (1) or 94 is subject to all charges, claims or liabilities imposed on or affecting the property by a law about rates, taxes or any other claim or liability to which the property would have been subject had it continued in the possession, ownership or occupation of the association or former association.

(2) Nothing in subsection (1) is taken to impose on the registrar-general or the Territory a duty, obligation or liability to do or suffer anything required to be done or suffered by a law of a kind referred to in that subsection other than the liability to satisfy or pay a charge, claim or liability referred to in that subsection out of the property of an association or former association to the extent that the property is, in the opinion of the registrar-general, available for and applicable to the satisfaction or payment of the charge, claim or liability.

97 Registrar-general's power to act for defunct association

(1) If, after an incorporated association has been dissolved, or has been wound up, the registrar-general is satisfied—

(a) that the association, if it still existed, would be legally or equitably bound to carry out, complete or give effect to some dealing, transaction or matter; and

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(b) that, in order to carry out, complete or give effect to that dealing, transaction or matter, some purely administrative act, not being of a discretionary kind, should have been done by or on behalf of the association, or should be done by or on behalf of the association if the association still existed;

the registrar-general may, as representing the association or its liquidator under this section, do that act or arrange for that act to be done.

(2) The registrar-general may execute or sign any relevant instrument or document adding a memorandum stating that the registrar-general has done so under this section, and any execution or signature under this section has the same force, validity and effect as if the association, when it still existed, had duly executed the instrument or document.

98 Records of property vested in registrar-general

The registrar-general must keep—

(a) a record of property vested in the registrar-general under sections 92 (1) and 94 and of any transactions in relation to the property; and

(b) an account of any money realised from the property and of the payment or distribution of the money; and

(c) any other account, voucher, receipt or other document relating to the property or the money;

for at least 7 years after the transaction to which the record, account, voucher, receipt or other document relates was completed.

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Part 8 Investigation of association's affairs

99 Meaning of *books* in pt 8

(1) In this part:

books includes bankers' books.

(2) In this section:

bankers' books means—

(a) books of a banking corporation, including any documents used in the ordinary business of a banking corporation; and

(b) cheques, orders for the payment of money, bills of exchange and promissory notes in the possession or under the control of a banking corporation; and

(c) securities or documents of title to securities in the possession or under the control of a banking corporation whether by way of pledge or otherwise.

100 Secrecy

(1) A person who is, or has at any time been—

(a) appointed for this Act; or

(b) engaged as a member of staff of the registrar-general; or

(c) authorised to exercise any function of the registrar-general, or any function on behalf of the registrar-general;

must not, except to the extent necessary to perform his or her official duties, or to exercise such a function, either directly or indirectly, make a record of, or divulge or communicate to any person, any information acquired by him or her because of his or her being or having been so appointed, engaged or authorised, or make

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use of any such information, for any purpose other than the performance of his or her official duties or the exercise of that function.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) Nothing in subsection (1) is taken to preclude a person from—

(a) producing a document to a court in the course of criminal proceedings or in the course of any proceedings under this Act; or

(b) divulging or communicating to a court in the course of any proceedings referred to in paragraph (a) any matter or thing coming under his or her notice in the performance of his or her official duties or in the exercise of a function referred to in that subsection; or

(c) producing a document or divulging or communicating information to a person to whom, in the opinion of the registrar-general, it is in the public interest that the document be produced or the information be divulged or communicated; or

(d) producing a document or divulging or communicating information that is required or permitted by any Act of the Commonwealth or of the Territory to be produced, divulged or communicated.

101 Investigations by registrar-general

If the registrar-general has reasonable grounds for believing that an offence against this Act or the repealed Act, or an offence relating to an incorporated association, has been, is being, or will be committed, being an offence that involves fraud or dishonesty or concerns the management or affairs of an incorporated association, the registrar-general may make the investigations the registrar-general thinks appropriate for the administration of this Act.

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102 Scope of registrar-general's powers

(1) The powers of the registrar-general under this part may be exercised—

(a) for the purpose of ascertaining whether the repealed Act or this Act has been or is being complied with; and

(b) for the purpose of exercising a function of the registrar-general under this Act.

(2) If it appears to the registrar-general that a person, or an association or other group of persons, not being an incorporated association or other body corporate of which the incorporation was effected or is recognised under a law in force in the ACT, is holding out himself, herself or itself, as an incorporated association, the registrar-general may exercise in relation to the person, association or group of persons all the powers that the registrar-general may exercise under this part in relation to an incorporated association for the purposes referred to in subsection (1) (a) and (b).

103 Production of association's books

(1) The registrar-general may, by notice in writing—

(a) require an incorporated association to produce to the registrar-general, immediately or at a time and place stated in the notice, any books relating to the affairs of the association that are specified in the notice; or

(b) require a person who is or has been an officer or employee of an incorporated association or who has acted as an agent, banker, lawyer or in any other capacity on behalf of an incorporated association (including an association that is being wound up or has been dissolved) to produce to the registrar-general immediately any books relating to the affairs of the association that are stated in the notice; or

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(c) require a person to produce immediately to the registrar-general any books relating to the affairs of an incorporated association (including an association that is being wound up or has been dissolved) that are in the custody or control of the person.

(2) If the registrar-general requires a person to produce books, the registrar-general may—

(a) if the books are produced—

(i) take possession of the books and make copies of or take extracts from them; and

(ii) require the person or any other person who was a party to compiling the books to make a statement providing any explanation that the person is able to provide in relation to a matter relating to the compilation of the books or to which the books relate; and

(iii) keep the books in the registrar-general's possession for as long as is necessary to enable the books to be inspected and copies of or extracts from them to be taken by or for the registrar-general; or

(b) if the books are not produced, require the person—

(i) to state, to the best of the person's knowledge or belief, where the books may be found; and

(ii) to identify the person who, to the best of the firstmentioned person's knowledge and belief, last had custody of the books and to state, to the best of the person's knowledge and belief, where the identified person can be found.

(3) If the registrar-general requires a person to produce books that are recorded, kept or reproduced electronically, the person is taken to have complied with the requirement if the person provides a printed or other reproduction of the information contained in the books.

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(4) If the registrar-general has power to require a person to produce books relating to the affairs of an association, the registrar-general may (whether or not the registrar-general requires the books to be produced) require the person to identify any property of the association and to explain the manner in which the association has kept account of the property.

(5) If the registrar-general has possession of any book related to the affairs of an association, the registrar-general must permit any person who would be entitled to inspect the book if it were not in the possession of the registrar-general to inspect the book at any reasonable time.

104 Inspection of books held by lawyer

(1) If—

(a) the registrar-general, under section 103, requires a lawyer to produce a book or to make a statement in relation to a book; and

(b) the book contains a privileged communication made by or on behalf of, or to, the lawyer;

the lawyer may refuse to comply with the requirement unless the person to whom, or by or on behalf of whom, the communication was made (the ***third party***) consents to the lawyer's compliance with the requirement.

(2) If a lawyer refuses to comply with a requirement in relation to a book containing a privileged communication, the lawyer must immediately—

(a) give the registrar-general who made the requirement, in writing—

(i) if the name and address of the third party are known to the lawyer—that name and address; and

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(ii) sufficient particulars to identify the book or part of the book containing the communication; and

(b) if, under section 103 (2) (a) (ii), the lawyer was required to make an explanatory statement—comply with the requirement to the extent that it is possible to comply without disclosing the communication.

105 Liability of person producing books

A person is not be taken to be subject to any liability only because the person has complied with a requirement made under section 103 or 104.

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Part 9 Offences and related matters

106 Proceedings for offences

(1) Proceedings for an offence against this Act may be instituted by the registrar-general, within the period of 5 years after the offence was committed, or within any further period the Minister allows.

(2) An offence against this Act is punishable on summary conviction.

107 Offences related to inspection of books

(1) A person must not—

(a) without reasonable excuse, refuse or fail to comply with a requirement made of the person under section 103; or

(b) in purported compliance with a requirement made under part 8, give information or an explanation or make a statement that is false or misleading in a material particular; or

(c) without reasonable excuse, obstruct or hinder the registrar-general in the exercise of a function of the registrar-general under part 8.

Maximum penalty: 50 penalty units.

(2) A person does not commit an offence against subsection (1) in relation to information or an explanation given or a statement made by the person if the person adduces evidence that the person believed on reasonable grounds that the information, explanation or statement was true and was not misleading, and that evidence is not rebutted by the prosecution.

(3) A person is not excused from giving information or an explanation or making a statement relating to the compilation of an association's books or to any matter to which the books relate in compliance with a requirement made of the person under part 8 on the ground that the information, explanation or statement would or would tend to incriminate the person, but if, before giving information or an

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explanation or making a statement, the person claims that doing so would or would tend to incriminate the person, the information, explanation or statement is not admissible in evidence against the person in criminal proceedings other than proceedings under subsection (1).

(4) Subject to subsection (3), information, an explanation or a statement given or made by a person in compliance with a requirement made of the person under part 8 is admissible in evidence in civil or criminal proceedings against the person.

(5) If a person required to produce any books under this part has a lien on the books, the production of the books by the person is not taken to affect the lien.

108 Offences by officers of associations etc

(1) A member of the committee of an incorporated association who knowingly fails to take all reasonable steps to ensure that the association has complied or is complying with this Act or with a condition imposed on the association under this Act commits an offence.

Maximum penalty: 5 penalty units.

(2) An officer of an incorporated association, or an incorporated association, who or that contravenes a condition imposed on the association under this Act by the registrar-general or the Minister commits an offence.

Maximum penalty: 10 penalty units.

(3) Proceedings for an offence against this section may be instituted against an officer of an incorporated association, and the officer may be convicted of the offence, whether or not proceedings in relation to the offence have been instituted against the association or the association has been convicted of an offence related to the firstmentioned offence.

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(4) Nothing in this section is taken to affect the liability of an incorporated association in relation to an offence committed by the association against this Act.

109 Offence—trade or pecuniary gain

(1) An incorporated association must not, as trustee or otherwise, trade or secure pecuniary gain for its members.

Maximum penalty: 50 penalty units.

(2) Subsection (1) does not apply to an association incorporated under a declaration under section 15 (1).

110 Liability of members

If, under section 108 (1), a member or members of the committee of an incorporated association commit an offence in relation to a failure of the association to comply with section 109, the member or members is or are respectively liable, or jointly and severally liable, for any debt or liability incurred by the association because of the commission of the offence.

112 Offences by unincorporated bodies

If a person, or an association or other group of persons, not being an incorporated association or other body corporate of which the incorporation is recognised under a law in force in the ACT or under a law of the Commonwealth, a State or another Territory—

(a) uses a name or title in which the word ‘Incorporation’ or an abbreviation or imitation of it appears or in which the abbreviation ‘Inc.’ or any imitation of it appears; or

(b) otherwise holds out himself or herself, or itself, as being an incorporated association or other body corporate of which the incorporation was effected or is recognised under a law in force in the ACT;

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the person, or each member of the association or other group of persons, commits an offence.

Maximum penalty: 30 penalty units.

114 Investment with associations

(1) An incorporated association must not, without the written approval of the registrar-general, invite a person other than a member or applicant for membership of the association to invest money with the association nor receive money from such a person for investment with the association.

Maximum penalty: 50 penalty units.

(2) If an incorporated association receives money from a person in contravention of subsection (1)—

(a) the transaction is taken to be void; and

(b) the money, any interest on the money paid or payable to the association, and any profit derived from use of the money by the association, is recoverable by the person from the association as a debt due to the person.

(3) An incorporated association may, subject to the rules, invite a member or applicant for membership of the association to deposit money with or lend money to the association, and may receive money from a member or applicant for membership.

(4) The registrar-general may grant an incorporated association approval to invite a person referred to in subsection (1) to invest money with the association and approval to receive money from such a person for investment, and may make the grant subject to any conditions the registrar-general thinks fit.

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(5) An association that does not comply with a condition specified in a grant of approval given to the association under subsection (4) commits an offence.

Maximum penalty: 50 penalty units.

115 Certificates as evidence

(1) In any proceedings, a certificate of the registrar-general to the effect—

(a) that, on a date stated in the certificate, the association named in the certificate was or was not an incorporated association; or

(b) that, on a date stated in the certificate, there was no association incorporated under the name stated in the certificate; or

(c) that a provision of this Act stated in the certificate—

(i) had or had not been complied with at a date or within a period stated in the certificate; or

(ii) had been complied with at the date stated in the certificate but not before that date; or

(d) that, on a date stated in the certificate, the person named in the certificate was or was not shown by the registrar-general's records to be the public officer of an incorporated association named in the certificate; or

(e) that, on a date stated in the certificate, the address stated in the certificate was the last address of the public officer of the incorporated association named in the certificate of which the registrar-general was notified; or

(f) that a copy of the statement of the objects or the rules of an incorporated association named in the certificate, or a copy of a notice stating particulars of any trust relating to the incorporated association named in the certificate, is a true copy

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of the statement, the rules or the notice, at the date stated in the certificate;

is evidence of the matters stated in the certificate.

(2) In any proceedings, a certificate of incorporation issued under this Act or the repealed Act in relation to an association is taken to be conclusive evidence that the association was incorporated under the respective Act on the date stated in the certificate as the date of incorporation.

(3) In this section—

(a) a reference to a copy of a document includes a reference to a print-out of the matters or some of the matters contained in the document and recorded in a computerised database comprising the matters contained in documents issued by or lodged with the registrar-general; and

(b) a reference to a document includes a reference to—

(i) a copy of a certificate of incorporation kept by the registrar-general under section 10; and

(ii) an application lodged with the registrar-general under this Act; and

(iii) if a reproduction or transparency of a document lodged with the registrar-general has been incorporated in a register—the reproduction or transparency.

116 Copies or extracts of books as evidence

(1) In any legal proceedings (whether under this Act or otherwise), a copy of, or extract from, a book relating to the affairs of an incorporated association is admissible in evidence as if it were the book or the relevant part of it on proof that the copy or extract is a true copy of the book or the relevant part of it.

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(2) For subsection (1), evidence that a copy of or an extract from a book is a true copy of the book or a part of the book—

(a) may be given by a person who has compared the copy or extract with the book or relevant party of the book; and

(b) may be given—

(i) orally; or

(ii) in writing; or

(iii) by an affidavit sworn before a person authorised to take affidavits.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

117 Constructive notice of documents etc

(1) A person is not taken to have knowledge of—

(a) the statement of the objects or the rules, or any of the content of that statement or the rules, of an association; or

(b) a document or the content of a document relating to an association; or

(c) any particulars relating to an association;

only because—

(d) the statement, the rules, the document or a statement or notice of the particulars has been lodged with the registrar-general; or

(e) the statement, the rules, the document or a statement or notice of the particulars is referred to in another document lodged with the registrar-general.

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(2) In any proceedings to which an incorporated association or a guarantor of an obligation of an incorporated association and a person dealing with the association or a person who has acquired rights from the association are parties, the association or the guarantor is not entitled to adduce evidence that—

(a) the rules of the association have not been complied with; or

(b) the most recently appointed public officer of the association of whose appointment the registrar-general was notified is not the public officer of the association;

unless the person—

(c) had actual knowledge of that fact at the relevant time; or

(d) ought to have had knowledge of that fact at the relevant time because of the person's connection or relationship with the association.

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Part 10 Notification and review of decisions

118 Meaning of *reviewable decision*—pt 10

In this part:

reviewable decision means a decision mentioned in schedule 3, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

119 Reviewable decision notices

If the registrar-general makes a reviewable decision, the registrar-general must give a reviewable decision notice to each entity mentioned in schedule 3, column 4 in relation to the decision.

Note 1 The registrar-general must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

119A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

(a) an entity mentioned in schedule 3, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

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Part 11 Miscellaneous

120 Extensions of time for applications etc

(1) The registrar-general may, on the written application of an incorporated association, an officer of an incorporated association or a person authorised for this section by an association or a group of persons proposing to form an association, extend a period of time prescribed by this Act, whether or not the application is made before the period has expired.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

(2) The registrar-general may make the extension of a period under subsection (1) subject to any condition the registrar-general thinks fit and may, by written notice to the association, vary or revoke the extension.

121 Registered office of incorporated association

(1) An incorporated association may have a registered office in the ACT to which communications and notices may be addressed and that must be open for the hours (not being less than 3) between the hours of 9 am and 5 pm of each day that is not a Saturday, a Sunday or a public holiday that are stated by the association—

(a) in an application for incorporation under section 18 (1) (a) or 26 (2) (a); or

(b) in a notice given under subsection (2) or, if the association gives a notice under subsection (3), in that notice.

(2) If an incorporated association opens a registered office subsequent to incorporation under this Act, it must, within 7 days of opening that office, inform the registrar-general by notice in writing of—

(a) the address of the registered office of the association; and

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(b) the hours during which the office is required to be open under subsection (1).

(3) An incorporated association having a registered office must, within 7 days of a change in the situation of that office or a change in the hours of opening of the office, inform the registrar-general by notice in writing of the relevant change.

122 Service of documents

(1) Unless otherwise provided by this Act, service on an incorporated association of a document or process may be effected by—

(a) addressing it to the association and leaving it at, or sending it by post to, the address that appears in the registrar-general's records as the last notified address of the person who is, or was then, the public officer of the association; or

(b) by serving a copy of it personally on a member of the committee of the association; or

(c) if the association has a registered office—by addressing it to the association and leaving it at, or, by sending it by post to, the registered office of the association.

(2) If under this Act a document or process is served on the public officer or a member of the committee of an incorporated association, the public officer or the member must, as soon as practicable after receiving the document or process, bring it to the attention of the committee of the association.

Maximum penalty: 5 penalty units.

(3) If a person who is not the public officer or a member of the committee of an incorporated association—

(a) receives a document addressed to the association; and

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(b) was, at any time within the period of 2 years ended immediately before receiving the document, an officer of the association;

the person must, as soon as practicable after receiving the document, bring it to the attention of the committee of the association.

Maximum penalty: 5 penalty units.

123 Translation of instruments

If under this Act a person gives to or lodges with the registrar-general any instrument or a copy of any instrument and the instrument is not written in the English language, the person must at the same time give to or lodge with the registrar-general a certified translation of the instrument into the English language.

124 Powers of the court

On hearing an application under this Act, the court may make or refuse to make the order sought, and may make any other orders it thinks fit.

125 Determination of fees

(1) The Minister may, in writing, determine fees for this Act.

Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

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126 Approved forms

(1) The registrar-general may, in writing, approve forms for this Act.

(2) If the registrar-general approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see the Legislation Act, s 255.

(3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

127 Regulation-making power

(1) The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(2) A regulation may make provision in relation to—

(a) prescribing model rules; and

(b) lodging applications or other documents with the registrar-general; and

(c) the verification of information required or permitted to be given to the registrar-general; and

(d) regulating the preparation, completion and signing of approved forms.

(3) A regulation may create offences and fix maximum penalties of not more than 10 penalty units for the offences.

(4) If—

(a) a document to be lodged under this Act is required to be verified and no way of verifying the document or its contents is prescribed by this Act; or

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(b) the verification of a document to be lodged under this Act is not provided for by this Act;

the regulations may provide that the document is to be verified by a written statement made by a person prescribed under the regulations.

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Schedule 1 Matters to be provided for in rules other than model rules

(see s 32 (a))

column 1	column 2	column 3
1	membership qualifications	state any qualification that is a prerequisite to being admitted to membership of the association
2	fees and subscriptions	state the amount of any entrance fee, subscription or other charge payable by members of the association
3	members' liability	state the liability (if any) of members of the association to contribute towards payment of the debts and liabilities of the association or the costs, charges and expenses of winding-up the association
4	discipline	state— (a) the procedure (if any) for disciplining members; and (b) the way (if any) in which a member may appeal in respect of any disciplinary action taken against the member; and (c) the way (if any) in which a member may make representations to, or appear before, the association or its delegate, in relation to any charge made against the member

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column 1	column 2	column 3
5	committee of the association	1 state the name, constitution and powers of the committee of the association 2 make provision for the following matters in relation to the committee: (a) the election or appointment of members of the committee; (b) the term of office of members of the committee; (c) any grounds on which the office of a member of the committee is taken to have become vacant; (d) the manner of filling a casual vacancy in the office of a committee member; (e) the number of members that constitute a quorum at a meeting of the committee; (f) the procedure to be followed at a meeting of the committee

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column 1	column 2	column 3
6	general meetings	make provision for the following matters in relation to general meetings of the association: (a) the frequency with which general meetings of the association are to be convened; (b) the way in which general meetings and special general meetings of the association are to be convened; (c) the procedure to be followed at a general meeting of the association; (d) the number of members that constitutes a quorum at a general meeting of the association; (e) whether or not members of the association are entitled to vote by proxy at general meetings; (f) the time within which and the manner in which notices of general meetings and notices of motion are to be given, published or circulated
7	financial year	state the date when the financial year of the association ends
8	funds	1 state the source from which the funds of the association are to be or may be derived 2 state the way in which the funds of the association are to be managed and, in particular, the mode of drawing and signing cheques on behalf of the association
9	common seal	provide for the custody and use of the common seal of the association
10	custody of books and documents	make provision for the custody of any books, documents or securities of the association
11	inspection of books and documents	provide for the inspection by members of any books or documents of the association

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Schedule 2 Modification of the Corporations Act, part 5.7 in its application to incorporated associations

(see s 91)

[2.1] Section 582

omit

[2.2] Section 583

after 2nd mention of

Chapter

insert

(excluding parts 5.1, 5.2, 5.3, 5.4, 5.7A, 5.8 and 5.9)

[2.3] Section 583 (b)

omit

[2.4] Section 583 (c) (iii)

omit

[2.5] New section 583 (d), (e) and (f)

insert

(d) in relation to a voluntary winding up—part 5.5 applies subject to the exclusion of the following provisions:

section 493 (2); division 3; sections 501 and 507.

(e) in relation to winding up generally—part 5.6 applies subject to the exclusion of the following provisions:

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sections 532 (8), 544, 556 (1) (c), (d) and (j), 557, 565 (2) (a) (ii) and 572-579.

(f) in this chapter that apply in relation to the winding up of an incorporated association—

(i) a reference to a company or a body is a reference to an incorporated association; and

(ii) a reference to a contributory of a company is a reference to a member of an incorporated association; and

(iii) a reference to the registration of a company is a reference to the incorporation of an incorporated association; and

(iv) a reference to the articles of a company is a reference to the rules of an incorporated association; and

(v) a reference to the directors of a company is a reference to the members of the committee of an incorporated association; and

(vi) a reference to the secretary of a company is a reference to the public officer of an incorporated association; and

(vii) a reference to the registered office or to the principal place of business of a corporation is a reference—

(A) if an incorporated association has a registered office—to the current address of that office as notified to the registrar-general under the Act; or

(B) if an incorporated association does not have a registered office—to the current address of the public officer of the association as notified to the registrar-general under the Act;

(viii) a reference to a special resolution is a reference to a special resolution within the meaning of the Act; and

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(ix) a reference to the commission is a reference to the registrar-general within the meaning of the Act.

[2.6] Section 586

omit

[2.7] Section 587

omit

[2.8] Section 588 (1), (2), (4) and (5)

omit

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Schedule 3 Reviewable decisions

(see pt 10)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	13 (1)	refuse to receive or register document submitted for lodgment	association lodging document
2	19	refuse application for incorporation of association or proposed association	applicant for incorporation
3	27	refuse application for incorporation of amalgamating associations	applicant for incorporation
4	39 (1)	direct association to change name	association given direction
5	83 (8)	cancel incorporation of association	association that has incorporation cancelled
6	93 (3)	cancel incorporation of association	association that has incorporation cancelled
7	114	withhold approval to invitation for investment in incorporated association	association that seeks approval
8	120 (1)	refuse application for extension of time	applicant for extension of time
9	120 (2)	vary or revoke grant of extension of time	association that has extension of time varied or revoked

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Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- bankrupt or personally insolvent
- document
- home address
- public holiday
- registrar-general
- reviewable decision notice.

accounting records includes invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes, vouchers and other documents of prime entry, books and records which record documents of prime entry, and any working papers and documents that are necessary to explain the methods and calculations by which accounts are made up.

annual general meeting, in relation to an incorporated association, means a meeting of the association held under section 68 or 69.

annual return means a statement referred to in section 79 (1) (a).

approved form means a form approved by the registrar-general under section 126 (Approved forms).

authorised person means a person authorised to apply for the incorporation of an association or proposed association under section 16 (a).

banking corporation means a bank, building society or credit union.

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books—

(a) for this Act generally—includes any register or other record of information and any accounts or accounting records, however compiled, recorded or stored and any other document; and

(b) for part 8 (Investigation of association's affairs)—see section 99 (1).

certificate of incorporation means a certificate of incorporation issued under section 19, section 27 or section 38 (3).

committee, in relation to an association, means the committee of the association established under section 60 (1).

company limited by guarantee, for part 6 (Transfer of incorporation)—see section 81.

court means the Supreme Court or the Magistrates Court.

financial year, in relation to an incorporated association, means the period, not exceeding 12 months, fixed by the rules of the association as the financial year of the association for this Act.

inaugural member of a committee means a person who is, under section 61, taken to be an inaugural member of the committee of an incorporated association.

inaugural public officer means the person who is, under section 58, taken to be the inaugural public officer of an incorporated association.

incorporated means incorporated under this Act or the repealed Act.

incorporation, in relation to a nonexistent incorporated association, for division 3.6 (Contracts)—see section 42.

member, in relation to membership of an incorporated association whether as an individual or as a body corporate, includes associate member or any other class of member.

memorandum, for part 6 (Transfer of incorporation)—see section 81.

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model rules means the rules prescribed under section 127 (2) (a).

objects, in relation to an incorporated association, means the objects that are, under section 29, the objects of the association.

officer, in relation to an incorporated association, means—

(a) a member of the committee of the association; or

(b) the public officer, secretary, treasurer or executive officer of the association, the holder of any other office of the association (however described) or a person occupying any of the abovementioned offices, whether validly appointed or not; or

(c) any other person who is concerned in or takes part in the management of the association's affairs;

but does not include a patron or the holder of another honorary office of the association if the office does not give its incumbent a right to participate in the management of the association's affairs.

pecuniary gain—see section 4.

public officer, in relation to an incorporated association, means the person appointed to be the public officer of the association in accordance with section 57.

purport—

(a) to enter into a contract, for division 3.6 (Contracts)—see section 42; and

(b) to execute a contract, for division 3.6 (Contracts)—see section 42.

repealed Act means the *Associations Incorporation Act 1953* as in force from time to time before 1 January 1992.

reproduction, in relation to a document, means—

(a) a machine-copy of the document; or

(b) a print made from the negative of the document; or

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(c) if an image of the document has been stored by means of a computer or by other electronic means—a print-out of the image.

reviewable decision, for part 10 (Notification and review of decisions)—see section 118.

rules, in relation to an incorporated association, means the rules that are, under section 31 (1), the rules of the association.

special resolution means a resolution passed in accordance with section 70.

trade—see section 4.

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Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
<u>underlining</u> = whole or part not commenced or to be expired

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3 Legislation history

Associations Incorporation Act 1991 A1991-46
notified 30 September 1991 (Gaz 1991 No S97)
s 1, s 2 commenced 30 September 1991 (s 2 (1))
remainder commenced 1 January 1992 (s 2 (2) and Gaz 1991 No S140)

as amended by

Statute Law Revision (Miscellaneous Provisions) Act 1993 A1993-1 sch 1
notified 1 March 1993 (Gaz 1993 No S23)
commenced 1 March 1993

Registrar-General (Consequential Provisions) Act 1993 A1993-64 sch 1
notified 6 September 1993
s 1, s 2 commenced 6 September 1993 (s 2 (1))
sch 1 commenced 1 October 1993 (s 2 (2) and Gaz 1993 No S207)

Real Property (Consequential Provisions) Act 1993 A1993-90 sch
notified 17 December 1993
s 1, s 2 commenced 17 December 1993 (s 2 (1))
sch commenced 1 January 1994 (s 2 (2) and Gaz 1993 No S270)

Associations Incorporation (Amendment) Act 1994 A1994-21
notified 20 May 1994 (Gaz 1994 No S87)
commenced 20 May 1994 (s 2)

Administrative Appeals (Consequential Amendments) Act 1994 A1994-60 sch 1
notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and Gaz 1994 No S250)

Land Titles (Consequential Amendments) Act 1995 A1995-54 sch 1
notified 20 December 1995 (Gaz 1995 No S313)
commenced 20 June 1996 (s 2)

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Financial Institutions (Removal of Discrimination) Act 1997 A1997-88 sch

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
sch commenced 31 December 1997 (s 2 (2) and Gaz 1997 No S442)

Legal Practitioners (Consequential Amendments) Act 1997 A1997-96 sch 1

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
sch 1 commenced 1 June 1998 (s 2 (2))

Statute Law Revision (Penalties) Act 1998 A1998-54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Law Reform (Miscellaneous Provisions) Act 1999 A1999-66 sch 3

notified 10 November 1999 (Gaz 1999 No 45)
commenced 10 November 1999 (s 2)

Legislation (Consequential Amendments) Act 2001 A2001-44 pt 24

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 24 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.7

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.7 commenced 9 April 2004 (s 2 (1))

Statute Law Amendment Act 2004 A2004-42 sch 3 pt 3.2

notified LR 11 August 2004
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))
sch 3 pt 3.2 commenced 25 August 2004 (s 2 (1))

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.3

notified LR 12 May 2005
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
sch 3 pt 3.3 commenced 2 June 2005 (s 2 (1))

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Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.8
notified LR 22 March 2007
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))
sch 3 pt 3.8 commenced 12 April 2007 (s 2 (1))

Statute Law Amendment Act 2007 (No 2) A2007-16 sch 3 pt 3.4
notified LR 20 June 2007
s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))
sch 3 pt 3.4 commenced 11 July 2007 (s 2 (1))

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.10
notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.10 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

Justice and Community Safety Legislation Amendment Act 2009 (No 2) A2009-19 pt 2
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
pt 2 commenced 29 September 2009 (s 2)

Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.6
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 3 pt 3.6 commenced 22 September 2009 (s 2)

Associations Incorporation Amendment Act 2009 A2009-27
notified LR 9 September 2009
s 1, s 2 commenced 9 September 2009 (LA s 75 (1))
remainder commenced 10 September 2009 (s 2)

Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.3
notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 3 pt 3.3 commenced 17 December 2009 (s 2)

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Justice and Community Safety Legislation Amendment Act 2010 (No 2) A2010-30 sch 1 pt 1.2

notified LR 31 August 2010
s 1, s 2 commenced 31 August 2010 (LA s 75 (1))
s 3 commenced 1 September 2010 (s 2 (1))
sch 1 pt 1.2 commenced 28 September 2010 (s 2 (2))

Statute Law Amendment Act 2011 A2011-3 sch 3 pt 3.2

notified LR 22 February 2011
s 1, s 2 commenced 22 February 2011 (LA s 75 (1))
sch 3 pt 3.2 commenced 1 March 2011 (s 2)

Justice and Community Safety Legislation Amendment Act 2011 A2011-16 sch 1 pt 1.2

notified LR 17 May 2011
s 1, s 2 commenced 17 May 2011 (LA s 75 (1))
sch 1 pt 1.2 commenced 17 November 2011 (s 2 and LA s 79)

Justice and Community Safety Legislation Amendment Act 2011 (No 2) A2011-27 sch 1 pt 1.1

notified LR 30 August 2011
s 1, s 2 taken to have commenced 29 July 2008 (LA s 75 (2))
sch 1 pt 1.1 commenced 13 September 2011 (s 2 (1))

Statute Law Amendment Act 2011 (No 2) A2011-28 sch 3 pt 3.3

notified LR 31 August 2011
s 1, s 2 commenced 31 August 2011 (LA s 75 (1))
sch 3 pt 3.3 commenced 21 September 2011 (s 2 (1))

Evidence (Consequential Amendments) Act 2011 A2011-48 sch 1 pt 1.4

notified LR 22 November 2011
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))
sch 1 pt 1.4 commenced 1 March 2012 (s 2 (1) and see Evidence Act 2011 A2011-12, s 2 and CN2012-4)

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Business Names Registration (Transition to Commonwealth) Act 2012 A2012-2 sch 2 pt 2.1

notified LR 28 February 2012
s 1, s 2 commenced 28 February 2012 (LA s 75 (1))
sch 2 pt 2.1 commenced 28 May 2012 (s 2 (2))

Red Tape Reduction Legislation Amendment Act 2015 A2015-33 sch 1 pt 1.8

notified LR 30 September 2015
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))
sch 1 pt 1.8 commenced 14 October 2015 (s 2)

Red Tape Reduction Legislation Amendment Act 2016 A2016-18 sch 3 pt 3.5

notified LR 13 April 2016
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))
sch 3 pt 3.5 commenced 27 April 2016 (s 2)

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4 Amendment history

Name of Act

s 1	sub A2007-3 amdt 3.34

Dictionary

s 2	om A2001-44 amdt 1.246 ins A2007-3 amdt 3.36

Notes

s 3	defs reloc to dict A2007-3 amdt 3.35 sub A2007-3 amdt 3.36 def ***determined fee*** am A1999-66 sch om A2001-44 amdt 1.249 def ***legal practitioner*** om A1997-88 sch def ***Registrar*** om A1993-64 sch 1 def ***Registrar of Titles*** om A1993-64 sch 1

Registrar and Deputy Registrars

s 5	om A1993-64

Acting appointments

s 6	om A1993-64

Registrar a corporation sole

s 7	om A1993-64

Protection and liability of Registrar and other officers

s 8	om A1993-64

Registers

s 9	am A1993-64 sub A2011-3 amdt 3.6

Copies of certificates of incorporation

s 10	am A1993-64

Inspection of documents

s 11	am A1993-64; A2001-44 amdt 1.250, amdt 1.251; A2009-27 s 4

Disposal of documents

s 12	am A1993-64

Defective documents

s 13	am A1993-64; A2001-44 amdt 1.252, amdt 1.253

Addresses may be kept confidential

s 13A	ins A2009-27 s 5

Eligibility for incorporation

s 14	am A2011-28 amdt 3.9

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Ineligible associations—incorporation
s 15 am A2001-44 amdt 1.254, amdt 1.255; A2007-16 amdt 3.14

Powers of authorised person
s 17 am A1993-64

Applications for incorporation
s 18 am A2001-44 amdts 1.256-1.258; A2009-27 s 6

Certificate of incorporation
s 19 am A1993-64

Restriction of actions
s 25 am A1993-64

Amalgamation of incorporated associations
s 26 am A1993-64; A2001-44 amdts 1.259-1.261; A2009-27 s 6

Incorporation of amalgamating associations
s 27 am A1993-64

Effect of incorporation—amalgamated associations
s 28 am A1993-64; A1993-90; A1995-54

Objects
s 29 am A1993-64

Alteration of objects
s 30 am A1993-64; A1998-54; A2001-44 amdt 1.262, amdt 1.263

Rules other than model rules
s 32 am A1993-1

Alteration of rules
s 33 am A1993-64; A1998-54; A2001-44 amdt 1.264, amdt 1.265

Copies of documents for members
s 35 am A2001-44 amdt 1.266

Reservation of names
s 37 am A1993-64; A2001-44 amdts 1.267-1.271; A2012-2 amdt 2.1; pars renum R23 LA

Change of name
s 38 am A1993-64; A2001-44 amdt 1.272, amdt 1.273

Compulsory change of name
s 39 am A1993-64

Name on association's documents etc
s 41 am A1998-54

References to purported entry into contracts etc—div 3.6
s 42 sub A2007-3 amdt 3.37

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Authentication and execution of documents
s 55 am A2011-3 amdt 3.7

Notice of public officer's appointment or change of address
s 59 am A1993-64; A1998-54 A2001-44 amdts 1.274-1.276; A2009-27 s 7; A2011-3 amdt 3.8

Notice of changes in committee
s 62 am A1993-64; A1998-54 A2001-44 amdt 1.277, amdt 1.278; A2009-27 s 8; A2011-3 amdt 3.9

Disqualification from office––convictions or bankruptcy
s 63 hdg sub A2011-27 amdt 1.1
s 63 am A1993-64; A1998-54; A2010-30 amdt 1.13; A2011-3 amdt 3.10

Disqualification from office––noncompliance with Act
s 63A ins A2011-27 amdt 1.2

Vacancy in office of public officer
s 64 am A1998-54; A2010-30 amdt 1.14; A2011-3 amdt 3.11; A2011-27 amdt 1.3; pars renum R19 LA

Disclosure of committee member's interest
s 65 am A1998-54; A2011-3 amdt 3.12

Information from officers
s 66 am A1993-64; A2009-27 s 9; A2009-49 amdt 3.8

Special resolutions
s 70 am A1994-21

Accounting records
s 71 am A1998-54

Annual statement of accounts
s 72 am A1998-54

Presentation of statement to members
s 73 am A1998-54

Audit of accounts
s 74 am A1998-54; A2004-42 amdt 3.2; A2011-27 amdt 1.4

Auditor's powers and duties
s 75 am A2011-3 amdt 3.13

Auditor of prescribed associations
s 76 am A1993-64; A1998-54

Auditor's liability
s 77 sub A2011-3 amdt 3.14

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Obstruction of auditor
s 78 am A1998-54; A2011-3 amdt 3.15

Annual returns
s 79 am A1993-64; A1998-54; A2001-44 amdt 1.279

Lodgment of particulars instead of documents
s 80 am A1993-64

Voluntary transfer of incorporation
s 82 am A1993-64; A2001-44 amdts 1.280-1.282

Cancellation where continued incorporation inappropriate
s 83 am A1993-64; A2001-44 amdts 1.283-1.285; R5 LA (see A2001-44 amdt 1.286); A2007-16 amdt 3.15; A2011-28 amdt 3.10; A2015-33 amdt 1.20, amdt 1.21

Cancellation of incorporation following voluntary transfer
s 85 am A1993-64

Transfer of land to company
s 87 am A1993-64; A1993-90; A1995-54

Application for winding up by the court
s 89 am A1993-64

Property of defunct association
s 92 am A1993-64; A1993-90; A1995-54; A1998-54; A2009-20 amdt 3.17

Cancellation of incorporation
s 93 am A1993-64; A2001-44 amdts 1.287-1.289; R5 LA (see A2001-44 amdt 1.290); A2009-19 s 4; pars renum R15 LA; A2011-3 amdt 3.16; A2011-16 amdt 1.2; A2015-33 amdt 1.22

Property of former incorporated association
s 94 am A1993-64; A1993-90; A1995-54

Property vested in registrar-general
s 95 am A1993-64; A2011-3 amdt 3.17

Liability in relation to property vested in registrar-general
s 96 am A1993-64

Registrar-general's power to act for defunct association
s 97 am A1993-64; A2011-3 amdt 3.17

Records of property vested in registrar-general
s 98 am A1993-64

Meaning of books in pt 8
s 99 am A2011-28 amdt 3.11

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Secrecy
s 100 am A1993-64; A1998-54

Investigations by registrar-general
s 101 am A1993-64; A2011-3 amdt 3.18

Scope of registrar-general's powers
s 102 am A1993-64

Production of association's books
s 103 am A1993-64; A2011-3 amdts 3.19-3.22

Inspection of books held by lawyer
s 104 am A1993-64

Proceedings for offences
s 106 am A1993-64

Offences related to inspection of books
s 107 am A1993-64; A1998-54; A2011-3 amdt 3.23, amdt 3.24

Offences by officers of associations etc
s 108 am A1993-64; A1998-54

Offence—trade or pecuniary gain
s 109 am A1998-54

Improper use of officer's position
s 111 am A1998-54
om A2004-15 amdt 2.17

Offences by unincorporated bodies
s 112 am A1998-54

False or misleading statements
s 113 am A1993-64; A1998-54
om A2004-15 amdt 2.17

Investment with associations
s 114 am A1993-64; A1998-54

Certificates as evidence
s 115 am A1993-64; A2011-48 amdt 1.4, amdt 1.5; ss renum R22 LA

Copies or extracts of books as evidence
s 116 am A2016-18 amdt 3.16

Constructive notice of documents etc
s 117 am A1993-64

Notification and review of decisions
pt 10 hdg sub A2008-37 amdt 1.34

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Meaning of *reviewable decision*—pt 10
s 118 am A1993-64; A1994-60
sub A2008-37 amdt 1.34

Reviewable decision notices
s 119 am A1993-64; A1994-60
sub A2008-37 amdt 1.34

Applications for review
s 119A ins A2008-37 amdt 1.34

Miscellaneous
pt 11 hdg ins A2008-37 amdt 1.34

Extensions of time for applications etc
s 120 am A1993-64; A2001-44 amdt 1.291, amdt 1.292

Registered office of incorporated association
s 121 am A1993-64; A2007-16 amdt 3.16; A2011-28 amdt 3.12

Service of documents
s 122 am A1993-64; A1998-54

Translation of instruments
s 123 am A1998-54

Determination of fees
s 125 am A1993-64
sub A2001-44 amdt 1.293

Approved forms
s 126 sub A2001-44 amdt 1.293
am A2007-3 amdt 3.38

Regulation-making power
s 127 am A1993-64; A1998-54
sub A2001-44 amdt 1.293
am A2007-16 amdt 3.17, amdt 3.18

Repeal
s 128 om A2001-44 amdt 1.293

Transitional and savings provisions
pt 11 hdg exp 2 June 2005 (s 141 (2))

General savings
s 129 exp 2 June 2005 (s 141 (2))

Legal proceedings
s 130 exp 2 June 2005 (s 141 (2))

Associations incorporated under repealed Act
s 131 exp 2 June 2005 (s 141 (2))

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Registers kept under repealed Act
s 132 exp 2 June 2005 (s 141 (2))

Winding-up
s 133 exp 2 June 2005 (s 141 (2))

Applications for incorporation
s 134 exp 2 June 2005 (s 141 (2))

Documents to be lodged
s 135 exp 2 June 2005 (s 141 (2))

Statement of objects
s 136 am A1993-64
exp 2 June 2005 (s 141 (2))

Change of name
s 137 am A1993-64
exp 2 June 2005 (s 141 (2))

Transition—public officer
s 138 exp 2 June 2005 (s 141 (2))

Transition—committee
s 139 am A1998-54
exp 2 June 2005 (s 141 (2))

Transition—additional return
s 140 am A1993-64; A1998-54
exp 2 June 2005 (s 141 (2))

Expiry of pt 11 etc
s 141 am A1998-54
om R4 LRA
ins A2005-20 amdt 3.13
exp 2 June 2005 (s 141 (2))

Transition—annual general meeting
s 142 om R4 LRA

Transition—register of members
s 143 am A1993-64
om R4 LRA

Modification of Corporations Act, part 5.7 in its application to incorporated associations
sch 2 am A1993-64

Reviewable decisions
sch 3 ins A2008-37 amdt 1.35

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Dictionary

dict

ins A2007-3 amdt 3.39
am A2008-37 amdt 1.36; A2009-49 amdt 3.9; A2010-30 amdt 1.15; A2011-28 amdt 3.13
def ***accounting records*** reloc from s 3 A2007-3 amdt 3.35
def ***annual general meeting*** reloc from s 3 A2007-3 amdt 3.35
def ***annual return*** reloc from s 3 A2007-3 amdt 3.35
def ***approved form*** sub A2001-44 amdt 1.247
reloc from s 3 A2007-3 amdt 3.35
def ***authorised person*** reloc from s 3 A2007-3 amdt 3.35
def ***banker's books*** reloc from s 3 A2007-3 amdt 3.35
om A2011-28 amdt 3.14
def ***banking corporation*** am A1997-88 sch
sub A1999-66 sch
reloc from s 3 A2007-3 amdt 3.35
def ***books*** reloc from s 3 A2007-3 amdt 3.35
also ins A2007-3 amdt 3.39
both sub A2011-28 amdt 3.15
def ***certificate of incorporation*** reloc from s 3 A2007-3 amdt 3.35
def ***commencement date*** sub A2001-44 amdt 1.248
reloc from s 3 A2007-3 amdt 3.35
om A2011-28 amdt 3.16
def ***committee*** reloc from s 3 A2007-3 amdt 3.35
def ***company limited by guarantee*** ins A2007-3 amdt 3.39
def ***court*** reloc from s 3 A2007-3 amdt 3.35
def ***financial year*** reloc from s 3 A2007-3 amdt 3.35
def ***inaugural member of a committee*** reloc from s 3 A2007-3 amdt 3.35
def ***inaugural public officer*** reloc from s 3 A2007-3 amdt 3.35
def ***incorporated*** reloc from s 3 A2007-3 amdt 3.35
def ***incorporation*** ins A2007-3 amdt 3.39
def ***member*** reloc from s 3 A2007-3 amdt 3.35
def ***memorandum*** ins A2007-3 amdt 3.39
def ***model rules*** reloc from s 3 A2007-3 amdt 3.35
def ***objects*** reloc from s 3 A2007-3 amdt 3.35
def ***officer*** reloc from s 3 A2007-3 amdt 3.35
def ***pecuniary gain*** ins A2007-3 amdt 3.39
def ***public officer*** reloc from s 3 A2007-3 amdt 3.35
def ***purport*** ins A2007-3 amdt 3.39
def ***repealed Act*** reloc from s 3 A2007-3 amdt 3.35
am A2011-28 amdt 3.17

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def ***reproduction*** reloc from s 3 A2007-3 amdt 3.35
def ***reviewable decision*** ins A2008-37 amdt 1.37
def ***rules*** reloc from s 3 A2007-3 amdt 3.35
def ***special resolution*** reloc from s 3 A2007-3 amdt 3.35
def ***trade*** ins A2007-3 amdt 3.39

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5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R0A 27 Feb 2008	1 Jan 1992– 28 Feb 1993	not amended	republication for new Act
R0B 27 Feb 2008	1 Mar 1993– 30 Sept 1993	A1993-1	amendments by A1993-1
R0C 27 Feb 2008	1 Oct 1993– 31 Dec 1993	A1993-64	amendments by A1993-64
R1 31 Jan 1994	1 Jan 1994– 19 May 1994	A1993-90	amendments by A1993-90
R1 (RI) 27 Feb 2008	1 Jan 1994– 19 May 1994	A1993-90	reissue of printed version
R1A 27 Feb 2008	20 May 1994– 13 Nov 1994	A1994-21	amendments by A1994-21
R2 14 Nov 1994	14 Nov 1994– 19 June 1996	A1994-60	amendments by A1994-60
R2 (RI) 27 Feb 2008	14 Nov 1994– 19 June 1996	A1994-60	reissue of printed version
R2A 27 Feb 2008	20 June 1996– 30 Dec 1997	A1995-54	amendments by A1995-54
R3 30 Apr 1998	30 Apr 1998– 31 May 1998	A1997-96	amendments by A1997-88
R3 (RI) 27 Feb 2008	30 Apr 1998– 31 May 1998	A1997-96	reissue of printed version
R3A 27 Feb 2008	1 June 1998– 8 Dec 1998	A1997-96	amendments by A1997-96

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Republication No and date	Effective	Last amendment made by	Republication for
R4 31 Jan 1999	31 Jan 1999– 9 Nov 1999	A1998-54	amendments by A1998-54
R4 (RI) 27 Feb 2008	31 Jan 1999– 9 Nov 1999	A1998-54	reissue of printed version
R4A 27 Feb 2008	10 Nov 1999– 11 Sept 2001	A1999-66	amendments by A1999-66
R5 23 Nov 2001	12 Sept 2001– 8 Apr 2004	A2001-44	amendments by A2001-44
R6 9 Apr 2004	9 Apr 2004– 24 Aug 2004	A2004-15	amendments by A2004-15
R7 25 Aug 2004	25 Aug 2004– 1 June 2005	A2004-42	amendments by A2004-42
R8 2 June 2005	2 June 2005– 2 June 2005	A2005-20	amendments by A2005-20
R9 3 June 2005	3 June 2005– 11 Apr 2007	A2005-20	commenced expiry
R10* 12 Apr 2007	12 Apr 2007– 10 July 2007	A2007-3	amendments by A2007-3
R11 11 July 2007	11 July 2007– 1 Feb 2009	A2007-16	amendments by A2007-16
R12* 2 Feb 2009	2 Feb 2009– 9 Sept 2009	A2008-37	amendments by A2008-37
R13 10 Sept 2009	10 Sept 2009– 21 Sept 2009	A2009-27	amendments by A2009-27
R14 22 Sept 2009	22 Sept 2009– 28 Sept 2009	A2009-27	amendments by A2009-20
R15 29 Sept 2009	29 Sept 2009– 16 Dec 2009	A2009-27	amendments by A2009-19
R16 17 Dec 2009	17 Dec 2009– 27 Sept 2010	A2009-49	amendments by A2009-49
R17* 28 Sept 2010	28 Sept 2010– 28 Feb 2011	A2010-30	amendments by A2010-30

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5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R18 1 Mar 2011	1 Mar 2011– 12 Sept 2011	A2011-3	amendments by A2011-3
R19 13 Sept 2011	13 Sept 2011– 20 Sept 2011	A2011-27	amendments by A2011-27
R20 21 Sept 2011	21 Sept 2011– 16 Nov 2011	A2011-28	amendments by A2011-28
R21 17 Nov 2011	17 Nov 2011– 29 Feb 2012	A2011-28	amendments by A2011-16
R22 1 Mar 2012	1 Mar 2012– 27 May 2012	A2011-48	amendments by A2011-48
R23* 28 May 2012	28 May 2012– 13 Oct 2015	A2012-2	amendments by A2012-2
R24 14 Oct 2015	14 Oct 2015– 26 April 2016	A2015-33	amendments by A2015-33

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