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AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

ASSOCIATIONS INCORPORATION ACT 1991

ASSOCIATIONS INCORPORATION REGULATIONS

EXPLANATORY MEMORANDUM

Circulated by authority of
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Attorney General

OUTLINE

These Regulations contain a number of machinery provisions relating to the completion of documents required under the *Associations Incorporation Act 1991*. The particulars required to be entered in the register of members are also set out as are various classes of association required by the Act to be prescribed and the rate of commission payable on disposal of property by the Registrar.

The model rules for incorporated associations are also contained in these Regulations.

NOTES ON REGULATIONS

Part I - Preliminary

Regulation 1 provides that the Regulations may be cited as the *Associations Incorporation Regulations*, while **Regulation 2** says that "the Act" means the *Associations Incorporation Act 1991*.

Part II - Information for Completion of Forms and Other Documents

Regulation 3 relates information and documents required by an approved form to the provisions of the Act in respect of which the form was approved by the Registrar. The purpose of this regulation is to ensure that information sought through completion of an approved form is relevant to the provisions of the Act for which the form was created.

Regulation 4 contains general requirements for documents such as the size of the paper and the manner in which it is written. It also requires certain identifying information to appear on the front sheet of each document. These requirements are for administrative convenience and to ensure that documents can be easily read and photocopied. As these documents are available to the public for inspection and copying some such regulation is necessary.

Regulation 5 sets out the manner in which annexures to documents are to be prepared.

Regulation 6 provides for documents relating to an incorporated association to be signed by the public officer or an authorised member of the committee of the association.

Regulation 7 says that if the Act requires a document to be lodged but does not set a time limit for doing so then it must be lodged within one month of the obligation to lodge arising. The Registrar can, however, allow a longer time for lodging.

Regulation 8 allows affidavits and written statements to be sworn on behalf of an association by the public officer or an authorised member of the committee.

Regulation 9 sets out the way in which a document may be verified if the Act does not state the manner in which it is to be done. This regulation provides for verification to be in writing signed by a person who is resident in the ACT and who is an authorised member of the committee or the public officer or the agent of the association. If the agent is an association then the statement is to be signed by a person who is resident in the ACT and who is an authorised member of the committee of that association.

Part III - Miscellaneous

Regulation 10 sets out the particulars which are required to be included in the register of members which the Act requires to be kept by each association.

Regulation 11 prescribes the number of copies of the accounts of an association which must be provided in accordance with subsection 73(2). The number is set at 100.

Regulation 12 prescribes certain classes of association for the purposes of section 74 of the Act. Section 74 requires some associations to be audited by a qualified accountant who is a member of a professional accountancy association. This regulation provides that associations which have gross receipts for a financial year or gross assets at the end of a financial year of more than \$150,000 or which have more than 1,000 members or hold a licence under the *Liquor Act 1975* must have the accounts audited by a person who is a member of a professional accounting organisation or a registered company auditor.

Regulation 13 prescribes a group of associations for the purposes of section 76. Associations which fall into that group are required to have their accounts audited by a person who is registered as an auditor under the Corporations Law. This regulation provides that associations which have gross receipts exceeding \$500,000 in a financial year are prescribed for the purposes of section 76.

Regulation 14 sets at 5 % the rate of commission payable to the ACT on the disposal of property which has passed to the Registrar from an association which has been wound up or which has had its incorporation cancelled.

Regulation 15 provides that the model rules referred to in the Act are set out in the Schedule to the Regulations.

The Schedule contains a set of model rules for an incorporated association. The rules cover all aspects of the general operation of an association such as membership, appointment and functions of the committee, conduct of meetings, funds and alteration of objects and rules. The Act provides in section 16, 26 and 33 that an association may adopt the model rules to be the rules of the association. Attached to the model rules are forms for application for membership and for appointment of a proxy.