

South Australia

Associations Incorporation Regulations 2008

under the *Associations Incorporation Act 1985*

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Schedule 1—Forms

Schedule 2—Fees

Legislative history

1—Short title

These regulations may be cited as the *Associations Incorporation Regulations 2008*.

3—Interpretation

In these regulations—

Act means the *Associations Incorporation Act 1985*.

4—Definition of prescribed association

For the purposes of paragraph (a)(ii) of the definition of *prescribed association* in section 3(1) of the Act, the amount prescribed is \$500 000.

5—Forms

(1) The forms set out in Schedule 1 must—

(a) be used for the purposes specified in the Schedule; and

- (b) contain the information required by and be presented and completed in accordance with the instructions contained in the forms.
- (2) If the space provided in a form is insufficient to contain all the required information—
 - (a) the information must be set out in an annexure to the form; and
 - (b) the annexure must have a distinguishing mark such as a letter or numeral; and
 - (c) the space in the form must contain the statement "See Annexure" together with the distinguishing mark for the annexure, or words to similar effect.

6—Fees

The fees set out in Schedule 2 are payable as specified in that Schedule.

7—Accounting records

An association must retain the accounting records kept by it under section 35 or 39C of the Act (as the case requires) for 7 years after the completion of the transactions to which they relate.

Maximum penalty: \$1 250.

8—Periodic returns (section 36)

- (1) For the purposes of section 36 of the Act, a prescribed association must lodge with the Commission a periodic return (in the form set out in Schedule 1) within 6 months after the end of each of its financial years.
- (2) A periodic return must be signed and dated by the public officer of the association.

9—Modifications of Commonwealth Act for the purposes of Part 5 and section 61 of Act

- (1) The provisions of the *Corporations Act 2001* of the Commonwealth applied by Part 5 or section 61 of the Act apply with the following modifications, additions and exclusions (in addition to those contained in the Act):
 - (a) a reference to ASIC or the Commission is to be read as a reference to the Corporate Affairs Commission;
 - (b) a reference to the Court is to be read as a reference to the Supreme Court of South Australia;
 - (c) a reference to the Gazette is to be read as a reference to the South Australian Government Gazette;
 - (d) a reference to lodge is to be read as a reference to lodge with the Corporate Affairs Commission;
 - (e) in relation to an incorporated association—
 - (i) a reference to a constitution is to be read as a reference to the rules of the incorporated association;
 - (ii) a reference to a board of directors is to be read as a reference to the committee of the incorporated association;
 - (iii) a reference to a director is to be read as a reference to—

- (A) a person who occupies or acts in a position of a member of the committee of the incorporated association, by whatever name called and whether or not validly appointed to occupy or duly authorised to act in the position; or
- (B) a person in accordance with whose directions or instructions the committee of the incorporated association is accustomed to act;
- (iv) a reference to an officer is to be read as including a reference to an officer within the meaning of the Act (in addition to the meaning given by paragraphs (c), (d), (e), (f) and (g) of the definition of *officer* of a corporation in section 9 of the *Corporations Act 2001* of the Commonwealth);
- (v) a reference to a registered office is to be read as a reference to an office of the incorporated association (if any);
- (f) in respect of Part 5.1 of the *Corporations Act 2001* of the Commonwealth—
 - section 411(13)—leave out from paragraph (b) "the registered office of the body" and insert "the office (or the main office if there is more than 1) of the incorporated association or, if the association does not have an office, the address of the public officer of the incorporated association"
- (g) in respect of Part 5.3A of the *Corporations Act 2001* of the Commonwealth—
 - (i) section 446A(2)—
 - (A) leave out from paragraph (a) "section 491" and insert "section 41 of the *Associations Incorporation Act 1985*"
 - (B) leave out from paragraph (b) "section 494" and insert "section 41C of the *Associations Incorporation Act 1985*"
 - (ii) section 446A(3)—leave out "is" and insert "and section 41D of the *Associations Incorporation Act 1985* are"
 - (iii) section 446B—after subsection (1) insert—
 - (1A) In applying the regulations to an incorporated association—
 - (a) the special resolution will be taken to have been passed under section 41(1)(b) of the *Associations Incorporation Act 1985*; and
 - (b) a reference to section 494 of the *Corporations Act 2001* of the Commonwealth will be taken to be a reference to section 41C of the *Associations Incorporation Act 1985*; and
 - (c) a reference to section 497 of the *Corporations Act 2001* of the Commonwealth will be taken to include a reference to section 41D of the *Associations Incorporation Act 1985*.

- (h) in respect of Part 5.4B of the *Corporations Act 2001* of the Commonwealth—
 - (i) section 465A—leave out "under section 459P, 462 or 464" and insert "to the Court under section 41 of the *Associations Incorporation Act 1985*"
 - (ii) section 465B(1)—leave out "section 459P, 462 or 464" and insert "section 41 of the *Associations Incorporation Act 1985*"
 - (iii) section 465C—leave out "section 459P, 462 or 464" and insert "section 41 of the *Associations Incorporation Act 1985*"
 - (iv) section 467A—
 - (A) leave out "Part 5.4 or 5.4A" and insert "section 41 of the *Associations Incorporation Act 1985*"
 - (B) leave out paragraph (b) and insert:
 - (b) in the case of an application for the winding up of an incorporated association on the ground that it is unable to pay its debts—a defect in a demand of a kind referred to in section 41(4)(a) of the *Associations Incorporation Act 1985*;
 - (v) section 467B—leave out "section 233, 459A, 459B or 461" and insert "section 41 or 61 of the *Associations Incorporation Act 1985*"
 - (vi) section 472—after subsection (2) insert:
 - (2A) The Court may appoint a person who is not an official liquidator to be liquidator or provisional liquidator of an incorporated association in accordance with section 41(9) of the *Associations Incorporation Act 1985*.
 - (vii) section 473(5)—leave out paragraph (a) and insert:
 - (a) a member who is, or members who together are, able to cast at least 10% of the total number of votes that could be cast at a meeting of the association if all members were present;
 - (viii) section 475—leave out
 - (ix) section 476—leave out "subsection 475(1) or (2)" and insert "section 41B of the *Associations Incorporation Act 1985*"
- (i) in respect of Part 5.5 of the *Corporations Act 2001* of the Commonwealth—
 - (i) section 490—leave out
 - (ii) section 491—leave out subsection (1)
 - (iii) section 494—leave out
 - (iv) section 496(1)—
 - (A) leave out "section 494" and insert "section 41C of the *Associations Incorporation Act 1985*"

- (B) leave out paragraph (a) and insert—
- (a) apply to the Supreme Court for the association to be wound up under section 41 of the *Associations Incorporation Act 1985* on the ground that the association is unable to pay its debts;
 - (v) section 497—leave out subsection (5)
 - (vi) section 501—leave out
 - (vii) section 507—leave out
- (j) in respect of Part 5.6 of the *Corporations Act 2001* of the Commonwealth—
- (i) section 513A—leave out "section 233, 459A, 459B or 461" and insert "section 41 or 61 of the *Associations Incorporation Act 1985*"
 - (ii) section 513D—leave out "section 233, 459A, 459B or 461" and insert "section 41 or 61 of the *Associations Incorporation Act 1985*"
 - (iii) section 532(1)—leave out "is" and paragraphs (a) and (b) and insert:
 - (a) is a registered liquidator; or
 - (b) is or is to be appointed or nominated for appointment as the liquidator of an incorporated association by the Corporate Affairs Commission under section 41 of the *Associations Incorporation Act 1985*;
 - (iv) section 532(8)—after "official liquidator" insert "or is or is to be appointed or nominated for appointment as the liquidator of an incorporated association by the Corporate Affairs Commission under section 41 of the *Associations Incorporation Act 1985*"
 - (v) section 533(1)(d)—leave out "for an examination or order under section 597" and insert "to the Supreme Court under section 62 of the *Associations Incorporation Act 1985*"
 - (vi) section 534(1)—after "the liquidator may" insert "(if he or she has the consent of the Minister under section 62E(6) of the *Associations Incorporation Act 1985*)"
 - (vii) section 539(4)—leave out paragraph (b) and insert:
 - (b) the auditor has qualified privilege in respect of the report.
 - (viii) section 544(1)—leave out "to be dealt with under Part 9.7"
 - (ix) section 544—leave out subsection (1A)
 - (x) section 544(2)—leave out "to be dealt with under Part 9.7"
 - (xi) section 544—after subsection (4) insert:

- (4A) If money paid to the Corporate Affairs Commission under this section remains unclaimed or undistributed, the Commission may pay it to the Treasurer for payment into the Consolidated Account.
 - (4B) A person making a claim in respect of any money paid to the Treasurer under subsection (4A) may apply to the Supreme Court for an order of payment of an amount to the person and the Court, if satisfied that an amount should be paid to the person, must make an order for the payment accordingly.
 - (4C) On the making of an order under subsection (4B) for payment of an amount to a person, or where the Treasurer is otherwise of the opinion that an amount should be paid to a person out of the money paid to the Treasurer under this section, the Treasurer must pay that amount to the person out of money lawfully available for that purpose.
- (k) in respect of Part 5.7B of the *Corporations Act 2001* of the Commonwealth—
- (i) section 588E(1)—leave out paragraphs (e) and (f) of the definition of "recovery proceeding"
 - (ii) section 588E(4)—leave out paragraphs (a) and (b) and insert:
 - (a) has failed to keep accounting records in relation to a period as required by section 35(1) or 39C(1) of the *Associations Incorporation Act 1985*; or
 - (b) has failed to retain accounting records in relation to a period for the 7 years required by regulation 8 of the *Associations Incorporation Regulations 1993*;
 - (iii) section 588E(5)—leave out "subsection 286(1)" and insert "section 35(1) or 39C(1) of the *Associations Incorporation Act 1985*"
 - (iv) section 588E(6)—
 - (A) leave out "subsection 286(2)" and insert "regulation 8 of the *Associations Incorporation Regulations 1993*"
 - (B) leave out "financial", wherever it occurs, and insert, in each case, "accounting"
 - (v) section 588E(8)—leave out paragraphs (d) and (e)
- (l) in respect of Part 5A.1 of the *Corporations Act 2001* of the Commonwealth—
- (i) section 601AA—leave out
 - (ii) section 601AB—leave out
 - (iii) section 601AC—after subsection (2) insert:
 - (3) An incorporated association is dissolved on deregistration under this section.

- (iv) section 601AD—leave out and insert:

601AD—Requirement to keep books following deregistration

The persons who were members of the committee of an incorporated association immediately before deregistration or cancellation of incorporation of the association must keep the association's books (other than books kept by a liquidator under subsection 542(2)) for 3 years after the deregistration or cancellation.

- (v) section 601AE—leave out

- (vi) section 601AF—leave out

- (2) When provisions of the *Corporations Act 2001* of the Commonwealth are applied in relation to an incorporated association, the provisions (together with the provisions of any regulation or rule for the time being in force under the provisions) are to be interpreted according to the definitions of words and expressions and other interpretative provisions contained in the *Corporations Act 2001* of the Commonwealth, except where a contrary intention is expressed in the Act or these regulations.

10—Prescribed particulars for application for deregistration (section 43A)

For the purposes of section 43A(7) of the Act, the following particulars are prescribed:

- (a) the name of the incorporated association;
- (b) the date of the application for deregistration of the incorporated association.

11—Prescribed commission (section 46)

For the purposes of section 46(3) of the Act, the prescribed commission is 5%.

12—Exception to requirement that name of association be printed etc on documents (section 54)

For the purposes of section 54 of the Act, a chit or ticket evidencing the receipt by an association of an amount not exceeding \$10 is prescribed as a receipt or document to which that section does not apply.

13—Commission may destroy documents (section 67(2)(d))

- (1) The Commission is authorised to destroy any of the following documents lodged with the Commission:
- (a) any periodic return, and any annexure to that return, that has been lodged for not less than 7 years;
 - (b) any document (other than rules and any amendment to rules) that has been lodged or registered not less than 10 years;

- (c) any document in the custody of the Commission relating to an association, or to an association that is to be taken to have been, incorporated under the repealed Act where the association has been dissolved or had its incorporation cancelled for not less than 10 years.
- (2) In this regulation—
- document* includes a reference to a transparency of a document produced by photographic or electronic means.

14—Copy of court order to be lodged with Commission

An incorporated association must, within 7 days of becoming aware of the making by a court of an order under the Act in relation to the association, lodge a copy of the order with the Commission.

Maximum penalty: \$1 250.

15—Offence to make false or misleading statement

A person must not, in a document lodged with the Commission for the purposes of the Act—

- (a) make a statement that is, to his or her knowledge, false or misleading; or
- (b) omit or authorise the omission from any such document a particular which is, to his or her knowledge, a material particular.

Maximum penalty: \$1 250.

Schedule 1—Forms

Application for incorporation of an association—Associations Incorporation Act 1985 section 19

The application must be on international size A4 white paper and all information must be legible. If the application consists of 2 or more sheets, the sheets must be fastened together securely.

1—Details of applicant

Full name:
Residential address:
Phone:
Email (optional):

2—Name of association to be incorporated

Full name of association:

3—Purpose of association

The purpose of the association is [*insert brief description eg educational, for conserving resources*].

The association is considered to be eligible for incorporation under section 18(1) [*specify paragraph*] of the *Associations Incorporation Act 1985*.

4—Financial year of association

The financial year of the association ends on [*insert end date of financial year as set out in proposed rules*].

5—Place at which books of association to be kept

The books of the association will be kept at [*insert details of location*].

6—Details of public officer of association

The following person has attained 18 years of age, is a resident of South Australia and has consented to be the public officer of the association:

Full name:
Occupation:
Residential address:
Postal address:
Phone:
Email:

7—Rules of association

Information about how the matters required by section 23A of the *Associations Incorporation Act 1985* are provided for in the proposed rules of the association must be included by way of an attachment in the form required by the regulations under the Act.

The application must be signed and dated by the applicant and, if the applicant is not the person who has consented to be the public officer of the association, by that person. The name of a person signing must be written legibly under or alongside the signature of that person.

Additional requirements

The documents required to accompany this form must be marked as follows:

"A"—copy of the rules of the association

"B"—copy of any instrument creating or establishing a trust—

- which is referred to in the rules of the association; or
- on which any rule of the association relies for its operation

or copy of the settled draft of any instrument prepared for the creation or establishment of a trust of which the association is intended to be the trustee—

- where the contemplated trust is referred to in the rules of the association; or
- where any rule of the association relies on the contemplated trust for its operation.

If there is more than 1 such instrument, the instruments must be marked "B1", "B2" and so on.

The following statement must be written on the copy of the rules of the association required to accompany this application and signed by the person who takes the declaration:

This is the annexure marked "A" referred to in the statutory declaration of [*name of applicant*] made on [*date*] before me.

Each of the marked documents must comply with the following:

- the document must be clearly printed or typed on international size A4 white paper;
- if the document consists of 2 or more sheets, the sheets must be fastened together securely;
- the document must be marked with—
 - the name and registered number of the incorporated association to which it relates; and
 - a title that describes its contents; and
 - the name, address and telephone number of the person to be contacted about the application.

Statutory declaration to accompany application for incorporation of association—Associations Incorporation Act 1985 section 19

I [*insert full name of applicant*] of [*insert full residential address of applicant*], [*insert occupation*], do solemnly and sincerely declare that:

- I am the person authorised to apply for the incorporation of an association under the name [*insert full name of association*]; and
- the particulars set out in the application for incorporation dated [*insert date*] are true; and
- the copy of the association's rules marked "A" is a true copy of the association's rules.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Signature of applicant:

Declared before me at [*insert location*] this [*insert date*].

Signature of person taking declaration:

Application for amalgamation of incorporated associations—Associations Incorporation Act 1985 section 22

The application must be on international size A4 white paper and all information must be legible. If the application consists of 2 or more sheets, the sheets must be fastened together securely.

1—Details of associations and public officers

Association 1:

Full name of association:

Registration number of association:

Public officer of association

Full name:

Residential address:

Phone:

Email:

Association 2:

Full name of association:

Registration number of association:

Public officer of association

Full name:

Residential address:

Phone:

Email:

2—Name of association to be formed on amalgamation

Full name of association to be formed on amalgamation:

3—Purpose of association to be formed on amalgamation

The purpose of the association to be formed on amalgamation is [*insert brief description eg educational, for conserving resources*].

The association is considered to be eligible for incorporation under section 18(1) [*specify paragraph*] of the *Associations Incorporation Act 1985*.

4—Financial year of association to be formed on amalgamation

The financial year of the association to be formed on amalgamation ends on [*insert end date of financial year as set out in proposed rules*].

5—Place at which books of association to be formed on amalgamation will be kept

The books of the association to be formed on amalgamation will be kept at [*insert details of location*].

6—Details of public officer of association to be formed on amalgamation

The following person has attained 18 years of age, is a resident of South Australia and has consented to be the public officer of the association to be formed on amalgamation:

Full name:
Occupation:
Residential address:
Postal address:
Phone number:
Email:

7—Rules of association to be formed on amalgamation

Information about how the matters required by section 23A of the *Associations Incorporation Act 1985* are provided for in the proposed rules of the association to be formed on amalgamation must be included by way of an attachment in the form required by the regulations under the Act.

The application must be dated and signed on behalf of each of the associations and by the public officer of the association to be formed on amalgamation. The name of a person signing must be written legibly under or alongside the signature of that person.

Additional requirements

The certificates of incorporation of each of the associations proposed to be amalgamated must accompany this application.

Other documents required to accompany this application must be marked as follows:

"A"—copy of the special resolution passed by association 1 supporting the amalgamation

"B"—copy of the special resolution passed by association 2 supporting the amalgamation

"C"—copy of the rules of the association proposed to be formed by the amalgamation

"D"—copy of any instrument creating or establishing a trust—

- which is referred to in the rules of the association proposed to be formed by the amalgamation; or
- on which any rule of the association proposed to be formed by the amalgamation relies for its operation

or copy of the settled draft of any instrument prepared for the creation or establishment of a trust of which the association proposed to be formed by the amalgamation is intended to be the trustee—

- where the contemplated trust is referred to in the rules of the association proposed to be formed by the amalgamation; or
- where any rule of the association proposed to be formed by the amalgamation relies on the contemplated trust for its operation.

If there is more than 1 such instrument, the instruments must be marked "D1", "D2" and so on.

Each of the marked documents must comply with the following:

- the document must be clearly printed or typed on A4 white paper;
- if the document consists of 2 or more sheets, the sheets must be fastened together securely;
- the document must be marked with—
 - the name and registered number of the incorporated association to which it relates; and
 - a title that describes its contents; and
 - the name, address and telephone number of the person to be contacted about the application.

Application for registration of alteration to rules—Associations Incorporation Act 1985 section 24

The application must be on international size A4 white paper and all information must be legible. If the application consists of 2 or more sheets, the sheets must be fastened together securely.

1—Details of association

Full name of association:
Registration number of association:

2—Details of public officer

Full name:
Residential address:
Postal address:
Phone:
Email:

3—Making of alteration to rules

The association has altered its rules in accordance with those rules by [*insert "special resolution on [date]" or provide details of other mechanism for alteration as required or allowed by the rules, and provide details of any approvals or confirmations required by the rules*].

4—Alteration to rules

The nature of the alteration is—

- *alteration to the name of the association
- *substitution of new set of rules
- *alteration to rules numbered [*specify numbers*]

* *Delete the inapplicable*

The rules of the association have been altered as follows:
[*include exact terms of resolution etc*]

5—Rules of association as altered

Information about how the matters required by section 23A of the *Associations Incorporation Act 1985* are provided for in the rules of the association as altered must be included by way of an attachment in the form required by the regulations under the Act.

The application must be dated and signed on behalf of the association. The name of a person signing must be written legibly under or alongside the signature of that person.

Additional requirements

A copy of the rules of the association as altered should accompany this application.

The copy must comply with the following:

- the document must be clearly printed or typed on A4 white paper;

- if the document consists of 2 or more sheets, the sheets must be fastened together securely;
- the document must be marked with—
 - the name and registered number of the incorporated association to which it relates; and
 - a title that describes its contents; and
 - the name, address and telephone number of the person to be contacted about the application.

Statutory declaration to accompany application for registration of alteration of rules of association—Associations Incorporation Act 1985 section 24

I [*insert full name of public officer of association*] of [*insert residential address*] do solemnly and sincerely declare that:

- I am the public officer of [*insert full name of association*]; and
- the particulars set out in the application for registration of alteration of the rules of the association dated [*insert date*] are true.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Signature of public officer:

Declared before me at [*insert location*] this [*insert date*].

Signature of person taking declaration:

Rules of association—Associations Incorporation Act 1985 section 23A

Matter required by section 23A

Rule number

- name of association
- objects of association
- membership in the case of an association that has members
- the powers, duties and manner of appointment of the committee of the association
- the appointment of an auditor in the case of an association that is a prescribed association
- the calling of and procedure at general meetings
- who has the management and control of the funds and other property of the association
- the powers of the association and by whom and in what manner they may be exercised
- the manner in which the rules of the association may be altered

**Periodic return of prescribed association—Associations Incorporation
Act 1985 section 36(1)**

The return and attachments must be on international size A4 white paper and all information must be legible. The return and attachments must be fastened together securely.

1—Details of association

Full name of association:
Registration number of association:

2—Financial year to which return relates

Year:

3—Details of books and accounts for financial year

Place where books of the association kept:
Gross receipts of the association for the financial year:
If the association has members—

- date on which audited accounts for financial year laid before members:
- the members *did/*did not accept the accounts
* *Delete the inapplicable*

4—Details of auditor of accounts for financial year

Full name:
Address:

5—Information about association as at date of return

Details of public officer—

Full name:
Occupation:
Residential address:
Postal address:
Phone:
Email:

Any business names under which the association conducts its activities:

The principal object of the association:

The number of members of the association:

*Details of any alterations to the rules of the association that have not been lodged for registration with the Commission:

Details of any variations or revocation of trusts referred to in the rules of the association or on which any rule of the association relies for its operation that have not been notified to the Commission:

Details of any exemptions granted by the Commission to the association under the Act and then in force:

The full name, residential address and occupation of each member of the committee of the association and the office (if any) held by that member:

** A separate application for registration of the alteration of the rules is required.*

Certification

I certify that the particulars contained in this return are true to the best of my knowledge and belief.

Signature of public officer:

Date:

Attachments

The following must be included:

- a copy of the accounts of the association for the financial year prepared under section 35(2)(a) of the Act;
- a copy of the signed statement made under section 35(2)(c) of the Act relating to those accounts;
- a copy of the auditor's report given under section 37(3) of the Act relating to those accounts.

Each of the documents must comply with the following:

- the document must be clearly printed or typed on A4 white paper;
- if the document consists of 2 or more sheets, the sheets must be fastened together securely;
- the document must be marked with—
 - the name and registered number of the incorporated association to which it relates; and
 - a title that describes its contents; and
 - the name, address and telephone number of the person to be contacted about the application.

Winding up report—Associations Incorporation Act 1985 section 41B and section 41D

The report and attachments must be on international size A4 white paper and all information must be legible. The report and attachments must be fastened together securely.

1—Details of association

Full name of association:
Registration number of association:

2—Details of person lodging report

Full name:
Address:
Phone:
Email:
Facsimile:

3—Purpose of lodging report

This report as to the affairs of the association—

- * has been prepared for the purposes of section 41B of the *Associations Incorporation Act 1985* (Reports to be submitted to liquidator) and is made up to the date the order for winding up of the association was made by the Supreme Court or an earlier date specified by the liquidator;
- * has been prepared for the purposes of section 41D of the *Associations Incorporation Act 1985* (Disclosure to creditors on voluntary winding up) and is made up to the latest practicable date before the notices of the meeting were sent.

**Delete the inapplicable*

4—Report on affairs of association

This report details assets and liabilities as at [*insert date*].

| | Valuation* \$ | Estimated realisable value \$ |
|--------------------------------------------|------------------|-------------------------------------|
| 1 Assets not specifically charged | | |
| (a) interests in land (see Attachment A) | | |
| (b) sundry debtors (see Attachment B) | | |
| (c) cash on hand | | |
| (d) cash at bank | | |
| (e) stock (see Attachment C) | | |
| (f) work in progress (see Attachment C) | | |
| (g) plant and equipment (see Attachment C) | | |
| (h) other assets (see Attachment D) | | |
| Subtotals | | |

| | |
|----------------------------------------------------------------------------|--------|
| 2 Assets subject to specific charges less amounts owing (see Attachment E) | |
| Totals | |
| 3 Less amounts payable to priority creditors | |
| (a) tax instalment deductions and prescribed payments tax | |
| (b) employee entitlements (see Attachment F) | |
| (c) other priority creditors (see Attachment G) | |
| 4 Less amounts owing to unsecured creditors (see Attachment H) | |
| 5 Contingent assets Estimated to produce (see Attachment I) | \$ |
| 6 Contingent liabilities Estimated to rank (see Attachment J) | \$ |
| This is an estimated deficiency: | Y or N |
| This is an estimated surplus: | Y or N |
| The estimate is subject to the cost of administration: | Y or N |
| The estimate is subject to costs of liquidation: | Y or N |
| Liability of members to contribute (as set out in rules) | \$ |

* For each valuation amount show whether the amount is the cost of the asset or liability or the net book amount assigned to the asset or liability.

The attachments must include information as follows:

Attachment A—for each interest in land:

- address of land and description of interest
- valuation (\$)
- estimated realisable value (\$)
- valuation for rating purpose
- particulars of tenancy
- where possession of deeds may be obtained
- short particulars of title

Attachment B—for each sundry debtor (including loan debtors):

- name and address of debtor
- amount owing (\$)
- amount realisable (\$)
- deficiency (\$)
- particulars of security (if any) held
- explanation of deficiency

Attachment C—for each item or class of stock, work in progress, plant or equipment:

detailed description

value (\$)

Attachment D—for other assets:

brief description (for example, deposit or investment)

cost (\$)

amount realisable (\$)

Attachment E—for each asset subject to a specific charge:

description of asset

date charge given

description of charge

holder of charge

terms of repayment

valuation (\$)

estimated realisable value (\$)

amount owing under charge (\$)

Attachment F—for each employee claim:

name and address of employee

wages (\$)

holiday pay (\$)

long service leave (\$)

estimated liability

Attachment G—for each priority creditor other than those detailed in Attachment F:

name and address of creditor

statement of whether the creditor is or is not an officer of the association

description of nature of debt

amount owing (\$)

Attachment H—for each unsecured creditor:

name and address of creditor

statement of whether the creditor is or is not an officer of the association

amount claimed by creditor (\$)

amount admitted as owing (\$)

reasons for difference (if any) between amount claimed and admitted

Attachment I—for each contingent asset:

description of asset

gross assets (\$)

estimated to produce (\$)

Attachment J—for each contingent liability:

name and address of creditor

nature of liability

gross liability (\$)

estimated rank for (\$)

If the report is prepared for the purposes of section 41D of the Associations Incorporation Act 1985, Attachments A, B, D and E must show the method and manner of arriving at the valuation of the asset.

Certification

I certify that the particulars contained in this report are true to the best of my knowledge and belief.

[Insert name of each committee member and each member must sign and date the report against his or her name.]

Declaration of solvency for voluntary winding up—Associations Incorporation Act 1985 section 41C

The declaration and accompanying statement must be on international size A4 white paper and all information must be legible. If the declaration or statement consists of 2 or more sheets, the sheets must be fastened together securely.

1—Details of association

Full name of association:
Registration number of association:

2—Details of person lodging declaration

Full name:
Address:
Phone:
Email (optional):
Facsimile (optional):

3—Declaration

We declare that—

- it is proposed to wind up the association voluntarily; and
- we constitute a majority of the members of the committee of the association; and
- we have made an inquiry into the affairs of the association; and
- at a meeting of the committee, we formed the opinion that the association will be able to pay its debts in full within a period not exceeding 12 months after the commencement of the winding up; and
- the statement showing the affairs of the association attached to this declaration is correct as at the latest practicable date before the making of this declaration.

[Insert name of each committee member making declaration and each member must sign and date the declaration against his or her name.]

Statement showing affairs of association

This statement details assets and liabilities as at *[insert date]*.

Estimated realisable value
\$

Assets

cash at bank
cash on hand
marketable securities
bills receivable
trade debtors
loans and advances

stock in trade
work in progress (as detailed in inventory)
freehold property
leasehold property
plant and machinery
furniture, fittings, utensils etc
patents, trademarks etc
investments other than marketable securities
other property (as detailed in inventory)

Total estimated realisable value of assets

Liabilities secured on specific assets Rank for payment

estimated expenses of winding up
other estimated expenses (including interest accruing until payment of debts in full)
unsecured creditors (amounts estimated to rank for payment)

- trade accounts
- bills payable
- accrued expenses
- other liabilities

contingent liabilities

Total of liabilities

Estimated surplus after paying debts in full

Application for deregistration of incorporated association with surplus assets not exceeding \$5 000—Associations Incorporation Act 1985 section 43A

The application and attachments must be on international size A4 white paper and all information must be legible. The application and attachments must be fastened together securely.

1—Details of association

Full name of association:
Registration number of association:

2—Details of person lodging application

Full name:
Address:
Phone:
Email (optional):
Facsimile (optional):

3—Details of applicant authorised by special resolution to apply for deregistration of association

Fill in this section if the applicant is authorised by special resolution of the association to apply for deregistration of the association.

Full name:
Residential address:

Date of meeting at which special resolution passed:
Type of meeting at which special resolution passed:

- * annual general meeting
- * special general meeting
- * other (please specify)

**Delete the inapplicable*

Additional requirements—The application must be accompanied by a copy of the resolution and the minutes of the meeting at which it was passed.

4—Details of applicants if association no longer has an active membership

Fill in this section if the association no longer has an active membership

Applicant 1

Full name:
Residential address:
Phone (optional):
Email (optional):
Facsimile (optional):

The applicant is—

- * an officer of the association
- * a member of the association

- * a person who claims proper interest in the application on the following grounds:

* *Delete the inapplicable*

Applicant 2

Full name:

Residential address:

Phone (optional):

Email (optional):

Facsimile (optional):

The applicant is—

- * an officer of the association
- * a member of the association
- * a person who claims proper interest in the application on the following grounds:

* *Delete the inapplicable*

Attach details separately if there are further applicants.

Certification

I certify that—

- the association has no liabilities and is not a party to any legal proceedings; and
- none of the assets available for distribution have been, or are proposed to be, distributed to members or former members or associates of members or former members of the association; and
- the information contained in the attachments is, to the best of my knowledge and belief, true and complete.

[Insert name of each applicant and each applicant must sign and date the form against his or her name]

Attachments

Attachment 1—Surplus assets: details and manner in which distributed or proposed to be distributed

For each asset:

description of asset

name of body to whom asset has been or is to be distributed

value (\$)

Attachment 2—Rules governing distribution of assets

The association **has/**does not have rules governing the distribution of surplus assets on deregistration.

* *Delete the inapplicable*

If the association has such rules, a copy of the rules must accompany the application.

If the association has no such rules, the applicants request that the Commission approve the manner or proposed manner of distribution.

Attachment 3—Committee of association

Insert name and residential address of each member of the committee of the association

Additional requirements

Any document required to accompany the application must comply with the following:

- the document must be clearly printed or typed on international size A4 white paper;
- if the document consists of 2 or more sheets, the sheets must be fastened together securely;
- the document must be marked with—
 - the name and registered number of the incorporated association to which it relates; and
 - a title that describes its contents; and
 - the name, address and telephone number of the person to be contacted about the application.

Application for reservation of name—Associations Incorporation Act 1985 section 53A

The application must be on international size A4 white paper and all information must be legible. If the application consists of 2 or more sheets, the sheets must be fastened together securely.

1—Details of applicant

Full name:

Address:

Phone:

Email (optional):

Facsimile (optional):

2—Name to be reserved

Name:

If the name is the same as a business name, provide details:

If the name is the same as the name of a body corporate, provide details:

3—Purpose of association

The purpose of the proposed incorporated association is [*insert brief description eg educational, for conserving resources*].

The association is considered to be eligible for incorporation under section 18(1) [*specify paragraph*] of the *Associations Incorporation Act 1985*.

Signature of applicant:

Date:

Notice of change of public officer or change of address of public officer—Associations Incorporation Act 1985 section 56

The notice must be on international size A4 white paper and all information must be legible. If the notice consists of 2 or more sheets, the sheets must be fastened together securely.

1—Association details

Full name of association:

Registration number of association:

2—Change of public officer*

Details of new public officer

Full name:

Occupation:

Residential address:

Postal address:

Phone:

Email:

Date of appointment as public officer:

Details of former public officer

Full name:

Date ceased to be public officer:

3—Change of address of public officer*

Details of public officer

Full name:

Phone:

Email:

New residential address:

New postal address:

Date changed:

* *Delete the inapplicable*

Signature of public officer:

Date:

Notice of variation or revocation of trust affecting rules—Associations Incorporation Act 1985 section 59

The notice must be on international size A4 white paper and all information must be legible. If the notice consists of 2 or more sheets, the sheets must be fastened together securely.

1—Details of association

Full name of association:

Registration number of association:

2—Notice of variation or revocation of trust referred to in rules of association or on which any rule of association relies for its operation

Details of trust

Name:

Date of instrument of trust:

Date of variation or revocation:

Full particulars of the variation or revocation:

Name of trustee:

Signature of trustee:

Date:

Schedule 2—Fees

| | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1 | For inspection under section 6(2) of the Act of documents lodged by or in relation to an association | \$23.70 |
| 2 | For the supply of an uncertified copy of, or extract from, a document held by the Commission in relation to an association (in addition to the fee payable under clause 1)— | |
| | (a) in the case of rules of an association or a periodic return of a prescribed association | \$18.50 |
| | (b) in any other case | \$5.15 |
| 3 | For the supply of a certified copy of, or extract from, a document held by the Commission in relation to an association (in addition to the fee payable under clause 1)— | |
| | (a) in the case of rules of an association or a periodic return of a prescribed association | \$37.00 |
| | (b) in any other case | \$23.70 |
| 4 | On lodging an application to the Commission (not being an application for which a fee is specified elsewhere in the Schedule) to exercise any of the powers conferred on the Commission by the Act, or by those provisions of the <i>Corporations Act 2001</i> of the Commonwealth applied by the Act to an association | \$58.00 |
| 5 | On lodging an application to the Minister to exercise any powers conferred on the Minister by the Act | \$58.00 |
| 6 | On lodging an application for incorporation under section 19 of the Act | \$171.00 |
| 7 | On lodging an application for amalgamation under section 22 of the Act | \$171.00 |

| | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 8 | On lodging an application to register an alteration to rules under section 24 of the Act (including an application to alter the name of an association) | \$58.00 |
| 9 | For the approval of the Commission of an auditor under section 35(2)(b) of the Act | \$81.00 |
| 10 | On lodging a periodic return under section 36 of the Act | \$81.00 |
| 11 | On submitting to the Commission for examination a draft explanatory statement prior to its registration under the provisions of the <i>Corporations Act 2001</i> of the Commonwealth applied under section 40A of the Act | \$171.00 |
| 12 | On lodging an application for the approval of the Commission for extension of period under section 41C(4)(a) of the Act | \$60.50 |
| 13 | For consent of the Commission under section 43(1a) of the Act to distribute surplus assets of an association on winding up among members of the association | \$81.00 |
| 14 | On lodging an application to deregister an association under section 43A(1) of the Act | \$120.00 |
| 15 | On making a request of the Commission under section 43A(5) of the Act (in addition to the fee payable under clause 14) | \$81.00 |
| 16 | On lodging an application to the Commission to exercise the powers conferred by section 44A or 46 of the Act | \$81.00 |
| 17 | For an act done by the Commission— | |
| | (a) representing a defunct association or its liquidator under section 44A of the Act | \$81.00 |
| | (b) under section 46 of the Act | \$81.00 |
| 18 | On lodging an application to the Commission to exercise the power conferred by section 53 of the Act | \$81.00 |
| 19 | On lodging an application to reserve a name under section 53A(1) of the Act | \$120.00 |
| 20 | On the late lodgment of a document (in addition to any lodgment fee provided by any other clause for the lodging of that document)— | |
| | (a) if lodged within 1 month after the prescribed time | \$31.75 |
| | (b) if lodged more than 1 month but within 3 months after the prescribed time | \$65.50 |
| | (c) if lodged more than 3 months after the prescribed time | \$138.00 |
| 21 | For the production by the Commission, pursuant to a subpoena, of a document held by it in relation to an association— | |
| | (a) for the first 2 pages or part of 2 pages | \$23.70 |
| | (b) for each additional 2 pages or part of 2 pages | \$1.35 |
| 22 | For any act that the Commission is required or authorised to do on the request of a person and for which a fee is not prescribed by any other clause | \$32.25 |

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Associations Incorporation Regulations 2008* revoked the following:

Associations Incorporation Regulations 1993

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|-----------|---------------------------------------|----------------------|
| 2008 | 226 | <i>Gazette 21.8.2008 p3740</i> | 1.9.2008: r 2 |
| 2009 | 12 | <i>Gazette 5.2.2009 p555</i> | 5.2.2009: r 2 |
| 2009 | 91 | <i>Gazette 4.6.2009 p2489</i> | 1.7.2009: r 2 |
| 2010 | 137 | <i>Gazette 10.6.2010 p2976</i> | 1.7.2010: r 2 |
| 2010 | 271 | <i>Gazette 16.12.2010 p5737</i> | 16.12.2010: r 2 |
| 2011 | 125 | <i>Gazette 9.6.2011 p2293</i> | 1.7.2011: r 2 |
| 2012 | 97 | <i>Gazette 31.5.2012 p2402</i> | 1.7.2012: r 2 |
| 2013 | 86 | <i>Gazette 6.6.2013 p2190</i> | 1.7.2013: r 2 |

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|------------|--------------------------------------------------------------------|-----------------|
| <i>r 2</i> | <i>omitted under Legislation Revision and Publication Act 2002</i> | <i>5.2.2009</i> |
| Sch 2 | substituted by 12/2009 r 4 | 5.2.2009 |
| | substituted by 91/2009 r 4 | 1.7.2009 |
| | substituted by 137/2010 r 4 | 1.7.2010 |
| | varied by 271/2010 r 4 | 16.12.2010 |
| | substituted by 125/2011 r 4 | 1.7.2011 |
| | substituted by 97/2012 r 4 | 1.7.2012 |

Sch 3

*omitted under Legislation Revision and
Publication Act 2002*

5.2.2009

Historical versions

5.2.2009

1.7.2009

1.7.2010

16.12.2010

1.7.2011