

South Australia

## **Associations Incorporation Regulations 1993**

under the *Associations Incorporation Act 1985*

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### **1—Short title**

These regulations may be cited as the *Associations Incorporation Regulations 1993*.

### **4—Interpretation**

In these regulations, unless the contrary intention appears—

*the Act* means the *Associations Incorporation Act 1985*.

### **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 completed in accordance with the instructions contained in the forms.
- (2) The name of a person signing a form set out in Schedule 1 must be written legibly under or alongside the signature of that person.

- (3) Where a form requires that another document be furnished with the form, the other document must be furnished with the form as so required.
- (4) Where a form requires that another document be furnished with the form, or the space provided in a form is insufficient to contain all the required information—
  - (a) the document must be furnished as, or 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—General requirements for documents lodged with Commission**

- (1) A document lodged with the Commission must—
  - (a) be on paper of international sheet size A4; and
  - (b) be clearly printed or typewritten in a manner that is permanent and is capable of reproduction by photographic means; and
  - (c) be an original or a photocopy; and
  - (d) where it consists of two or more sheets, be fastened together securely in the top left-hand corner; and
  - (e) have written on the first sheet—
    - (i) the registered number of the association to which the document relates; and
    - (ii) the name of that association; and
    - (iii) the title of the document (being, if the document is a form prescribed by these regulations, the same as the heading to the form); and
    - (iv) the name, address and telephone number of the person by whom or on whose behalf the document is lodged; and
    - (v) the words "Lodged with the Commission on ....." (the date of lodgement to be filled in by the Commission).
- (2) Where the address of a public officer is required in any document to be lodged with the Commission, the public officer—
  - (a) must specify his or her residential address; and
  - (b) may, if he or she so desires, specify a postal address.

## **7—Fees**

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

## **8—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 seven years after the completion of the transactions to which they relate.

Maximum penalty: \$1 250.

## 9—Periodic returns

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 six months after the end of each of its financial years.

## 10—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 section 82A 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 one) 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 "section 491" and insert "section 41 of the *Associations Incorporation Act 1985*";
  - (B) leave out "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—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 subsections (5), (6) and (7);
  - (vi) section 497(8)—leave out "director appointed under subsection (5)" and insert "member of the committee appointed under section 41D(1)(b) of the *Associations Incorporation Act 1985*";
  - (vii) section 501—leave out;
  - (viii) 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 530A(7)—leave out the definition of **officer** and insert:

**officer** includes a former officer.;

- (iv) 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*;;
- (v) 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*";
- (vi) 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*";
- (vii) 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*)";
- (viii) section 539(4)—leave out paragraph (b) and insert:
  - (b) the auditor has qualified privilege in respect of the report.;
- (ix) section 544(1)—leave out "to be dealt with under Part 9.7";
- (x) section 544—leave out subsection (1A);
- (xi) section 544(2)—leave out "to be dealt with under Part 9.7";
- (xii) 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.

#### **10A—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 five per cent.

#### **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)**

- (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 seven years;
  - (b) any document (other than rules and any amendment to rules) that has been lodged or registered not less than ten 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 ten years.
- (2) For the purposes of 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 seven days of the making by a court of an order under the Act, 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

### Form 1

*Associations Incorporation Act 1985*  
(section 19)

#### Application for incorporation of an association

To the Corporate Affairs Commission

1 I .....  
*(full name of applicant)*

of .....  
*(full address of applicant)*

.....

am authorised by the association to apply for incorporation of the association under the name .....

.....  
*(full name of association applying for incorporation)*

2 Annexed to this application is—

- a copy of the rules of the association;
- a statutory declaration as to the matters set out in section 19(2)(b);
- \* a copy of any trust instrument referred to in the rules of the association or on which a rule relies for its operation;
- \* a copy of the settled draft of an instrument prepared to establish a trust of which the association is the proposed trustee where the contemplated trust is referred to in the rules of the association or a rule of the association relies on the contemplated trust for its operation.

3 The association is formed for the purpose of .....

.....  
*(# insert brief description of object/s)*

and is considered to be an association eligible for incorporation under section 18 of the Act.

4 .....  
*(full name of public officer)*

of .....  
*(residential address of public officer)*

.....  
*(postal address of public officer, if relevant)*

South Australia .....  
*(occupation)*

being a person above the age of 18 years, and a resident of South Australia, has consented to be the first public officer of the association.

5 The association is situated (or established) at .....  
..... *(address of association)*

6 The financial year of the association ends on .....

7 The application fee is tendered with this application.

Signed: .....  
*(Applicant)*

Date: .....

Name: .....  
*(Block Letters)*

\* *delete as necessary*

# *Here, refer to section 18(1) of the Act for a description of the object of the association.*

## Form 2

*Associations Incorporation Act 1985*  
(section 19(2)(b))

### Statutory declaration to accompany application for incorporation

I .....  
(full name of applicant)

of .....  
(residential address of applicant)

.....,  
South Australia .....  
(occupation)

do solemnly and sincerely declare that:

1 I am the person authorised to apply for the incorporation of an association under the name:

.....  
(full name of association applying for incorporation)

2 The particulars set out in my application for incorporation of the association dated ..... 20 ..... are true.

3 The document marked 'A' #annexed is a true copy of the rules of the association referred to in my application.

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

Declared before me at .....

this ..... day of ..... 20 .....

.....

*Declarant*

.....

*Justice of the Peace*

# [The annexure is to be endorsed by the Justice of the Peace as follows:

"This is the annexure marked 'A' referred to in the statutory declaration of .....

..... made on the ..... day of ..... 20 .....

Before me: .....

*Justice of the Peace*]

### Form 3

*Associations Incorporation Act 1985*  
(section 20(1))

#### Certificate of incorporation of an association

Reg No .....

This is to certify that ..... Incorporated  
is incorporated under the *Associations Incorporation Act 1985* on and from .....  
..... 20 .....

Given under the seal of the Corporate Affairs Commission at Adelaide  
..... 20 .....

.....  
*Commissioner for Corporate Affairs*

## Form 4

*Associations Incorporation Act 1985*  
(section 22)

### Application for amalgamation of incorporated associations

To the Corporate Affairs Commission

1 I .....  
(full name of public officer)  
of .....  
(residential address of public officer)  
being public officer of .....  
..... Incorporated  
(name of original association)  
AND .....  
(full name of public officer)  
of .....  
(residential address of public officer)  
being public officer of .....  
..... Incorporated  
(name of original association)

APPLY ON BEHALF OF the above incorporated associations to amalgamate to form a single incorporated association under the name:

.....  
(full name of association to be formed upon amalgamation)

- 2 Attached to this application are copies of the following documents:
- identified by the letter "A"—the special resolution passed on ..... 20 ..... at a meeting called and conducted under the registered rules of ..... Incorporated;
  - identified by the letter "B"—the special resolution passed on ..... 20 ..... at a meeting called and conducted under the registered rules of ..... Incorporated;
  - identified by the letter "C"—the rules of the incorporated association proposed to be formed by the amalgamation;
  - \*identified by the letter "D"—the trust instrument referred to in the rules of the association proposed to be formed by the amalgamation or on which a rule of the association proposed to be formed by the amalgamation relies for its operation;
  - \*identified by the letter "E"—the settled draft of the instrument prepared to establish a trust of which the association proposed to be formed by the amalgamation is the proposed trustee where the contemplated trust is referred to in the rules of the association proposed to be formed by the amalgamation or a rule of the association proposed to be formed by the amalgamation relies on the contemplated trust for its operation.

\* delete as necessary

3 The incorporated association proposed to be formed by the amalgamation has the following purpose:

.....  
.....  
(#insert brief description of purpose/s)

and is considered to be an association eligible for incorporation under section 18 of the Act.

4 .....  
(full name of public officer)

.....  
(residential address of public officer)

.....  
(postal address of public officer, if relevant)

South Australia .....  
(occupation)

being a person above the age of 18 years, and a resident of South Australia, has consented to act as the public officer of the proposed association.

5 The financial year of the proposed association ends on .....

6 The certificates of incorporation of the amalgamating associations are attached.

7 The application fee is tendered with this application.

..... Incorporated ..... Incorporated

Signed: ..... Signed: .....  
(Public Officer) (Public Officer)

Name: ..... Name: .....  
(Block Letters) (Block Letters)

Dated the ..... day of ..... 20 .....

Signed: .....  
(Public Officer of proposed new association to sign)

Name: .....  
(Block Letters)

# Here refer to section 18(1) of the Act for a description of the object of the association.

## Form 5

*Associations Incorporation Act 1985*  
(section 22(4))

### Certificate of incorporation on amalgamation

Reg No .....

This is to certify that

..... Incorporated  
formed by the amalgamation of ..... Incorporated and  
..... Incorporated is  
incorporated under the *Associations Incorporation Act 1985* on and from ..... 20 ....

Given under the seal of the Corporate Affairs  
Commission at Adelaide ..... 20 .....

.....  
*Commissioner for Corporate Affairs*

**Form 6**

*Associations Incorporation Act 1985*  
(section 24(3))

**Application for registration of alteration to rules**

Reg No .....  
*(to be completed by lodging party)*

To the Corporate Affairs Commission

Re: ..... Incorporated.  
*(full name of association)*

1 I .....  
*(full name of public officer)*  
of .....  
*(residential address of public officer)*

being the public officer of the abovenamed association APPLY on behalf of this association to register the \*alteration/alterations to its rules as set out in clause 2.

2 The proposed \*alteration/alterations \*was/were effected by a resolution the terms of which are \*set out below in clause 5/set out in the annexure marked 'A' annexed.

3 The resolution was passed on ..... 20 ..... at a meeting called and conducted in accordance with the rules of the association.

4 The nature of the alteration is—  
• \*alteration to/rescission of rules numbered .....  
• \*substitution of a new set of rules  
• \*alteration to the name of the association

5 Resolution for alteration:  
It was resolved that .....  
.....  
*(details of resolution passed)*

6 \*If the rules require the resolution to be approved or confirmed by some other person or body, provide details of when and by whom approval or confirmation was given:  
.....  
.....

7 The application fee is tendered with this application.

DATED this ..... day of ..... 20 .....

Signed: .....  
*(Public Officer)*

Name: .....  
*(Block Letters)*

*\*Delete as necessary*

## Form 7

*Associations Incorporation Act 1985*  
(section 24(3)(b))

### Statutory declaration verifying alteration to rules

I .....  
(full name of public officer)

of .....  
(residential address of public officer)

South Australia .....  
(occupation)

do solemnly and sincerely declare that:

- 1 I am the public officer of ..... Incorporated.
- 2 The particulars of the alteration to the rules of the said incorporated association set out in the application for registration of alteration dated ..... 20 ..... annexed# to this declaration 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*.

Declared before me at .....

this ..... day of

..... 20.....

..... Signed:.....  
*Justice of the Peace* *Public Officer*

# [The annexure is to be endorsed by the Justice of the Peace as follows:

"This is the annexure marked 'A' referred to in the statutory declaration of.....  
..... made on the ..... day of ..... 20 .....

Before me: .....  
*Justice of the Peace*]

## Form 8

*Associations Incorporation Act 1985*  
(section 24(5)(b))

### Certificate of incorporation on change of name

Reg No .....

This is to certify that

..... Incorporated  
which was on ..... 20 .....  
incorporated under the *Associations Incorporation Act 1985* resolved on ..... 20 .....  
to change its name to ..... Incorporated.

Given under the seal of the Corporate Affairs Commission at  
Adelaide

..... 20 .....

.....

*Commissioner for Corporate Affairs*

## Form 9

*Associations Incorporation Act 1985*  
(section 36(1) regulation 9)

### Periodic return

Reg No .....  
*(to be completed by lodging party)*

Re ..... Incorporated  
*(full name of association)*

### Books and accounts

The books of the association are located at .....

The following documents (as prepared for the financial year of the association last preceding the due date for lodgement of this return) must be furnished with and annexed to this return:

- a copy of the accounts of the association as required by section 35(2)(a) of the Act
- a copy of the statement of the association's committee as required by section 35(2)(c) of the Act
- a copy of the auditor's report on the accounts as required by section 37(3) of the Act
- a copy of the report of the association's committee as required by section 35(5) of the Act

The accounts and other documents annexed to this return are for the financial year ended .....  
..... 20 .....

\*The accounts were \*adopted/not adopted by the annual general meeting held on .....  
20 .....

\*The rules of the association do not require the holding of an annual general meeting.

### Particulars relating to operations of association

\*Business names under which the association conducts activities: .....

\*Names of subsidiary bodies corporate: .....

Principal object of the association: .....

The association has ..... members as at the date of this return.

\*Brief particulars of any alterations to \*rules/trusts affecting rules, which at the date of this return, have not been lodged with the Corporate Affairs Commission are as follows:

*Note—Notification of these alterations must still be lodged with the Corporate Affairs Commission on the appropriate forms.*

\*Brief particulars of any exemptions granted to the association by the Corporate Affairs Commission under the Act:

.....  
.....

*\*Delete as necessary*

**Administration**

Particulars of the members of the committee of the association as at the date of this return:

Full Name/Residential Address/Occupation/Position on Committee

.....  
.....  
.....  
.....  
.....  
.....

Particulars of the public officer of the association as at the date of this return:

Full Name: .....

Residential and Business Address: .....

Occupation .....

*Note—If the public officer has changed, a NOTICE OF CHANGE OF PUBLIC OFFICER (form 10) must be lodged.*

Particulars of the auditor acting under section 35(2) of the Act as at the date of this return:

Full name of auditor: .....

Name of audit firm: .....

Business address: .....

Auditing qualifications: .....

**Certificate and statement**

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

Dated this ..... day of ..... 20.....

Signed: .....

*(signature of public officer)*

Name: .....

*(in block letters)*

## Form 9A

*Associations Incorporation Act 1985*  
(section 41B section 41D)

### Winding up report as to affairs of incorporated association

To the Corporate Affairs Commission Reg No .....

Name of association

Lodging party: .....

Address: .....

.....

Telephone No: ..... DX No: .....

Facsimile No: .....

This report as to the affairs of the association has been prepared—

- in accordance with section 41B—to be submitted to the liquidator\*
- in accordance with section 41D—to be laid before the meeting of creditors\*

\* delete as necessary

#### Assets and Liabilities

Date of report: ..... (d/m/y)

*Note: This report is to be made as at the following dates:*

- if it is to be submitted to a liquidator under section 41B—the date the order for winding up was made or any earlier date specified by the liquidator;
- if it is to be laid before the meeting of creditors under section 41D—the latest practicable date before the notices of the meeting were sent.

	Valuation (for each entry show whether cost or net book amount) \$	Estimated Realisable Values \$
1 Assets not specifically charged:		
(a) interests in land ( <i>see attachment A</i> )		
(b) sundry debtors ( <i>see attachment B</i> )		
(c) cash on hand		
(d) cash with an ADI		
(e) stock ( <i>see attachment C</i> )		
(f) work in progress ( <i>see attachment C</i> )		
(g) plant & equipment ( <i>see attachment C</i> )		
(h) other assets ( <i>see attachment D</i> )		
Subtotal		

		Valuation (for each entry show whether cost or net book amount) \$	Estimated Realisable Values \$
2	Assets subject to specific charges ( <i>see attachment E</i> ) less amounts owing ( <i>see attachment E</i> )		
Total Assets			
Total Estimated Realisable Values			
3	Less amounts payable to priority creditor(s)		
	Amounts owing for tax instalment deductions and prescribed payments tax		
	Amounts owing for employee entitlements ( <i>see attachment F</i> )		
	Amounts owing to other priority creditors ( <i>see attachment G</i> )		
4	Less amounts owing to unsecured creditors ( <i>see attachment H</i> )		
5	Contingent assets Estimated to produce ( <i>see attachment I</i> )	(\$ )	
6	Contingent liabilities Estimated to rank ( <i>see attachment J</i> )	(\$ )	
	Estimated deficiency?	Y/N	
	Estimated surplus?	Y/N	
	Subject to costs of administration?	Y/N	
	Subject to costs of liquidation?	Y/N	
Liability of members to contribute (as set out in rules)		\$	

*Note: If this report is being prepared for the purposes of section 41D (Disclosure to creditors on voluntary winding up), attachments A, B, D and E are to show the method and manner of arriving at the valuation of the assets.*

**Attachment A**

**Interests in land**

Address & description of property	(1) Valuation	Estimated realisable value	Valuation for rating purposes	Particulars of tenancy	Where possession of deeds may be obtained	Short particulars of title
	\$	\$	\$			

**Attachment B**

**Sundry debtors (including loan debtors)**

Name & address of debtor	Amount owing	Amount realisable	Deficiency	Particulars of security (if any) held	Explanation of deficiency
	\$	\$	\$		

**Attachment C**

**Inventory—stock, work in progress, plant & equipment**

Detailed description			Value
			\$
Stock	Work in progress	Plant & equipment	

**Attachment D**

**Other assets**

Description of deposit or investment	Cost	Amount realisable
	\$	\$

Deposits

Investments

**Attachment E**

**Assets subject to specific charges**

Description of asset	Date charge given	Description of charge	Holder of charge	Terms of repayment	(1) Valuation	Estimated realisable value	Amount owing under charge
					\$	\$	\$

**Attachment F**

**Claims by employees**

Employee's name & address	Wages \$	Holiday pay \$	Long service leave \$	Estimated liability \$
------------------------------	-------------	----------------------	-----------------------------	---------------------------

**Attachment G**

**Priority creditors (other than those detailed in attachment F)**

Name & address of preferential creditor	Is creditor an officer of the association? Y/N	Description of amount owing	Amount owing \$
--	--	--------------------------------	--------------------

**Attachment H**

**Unsecured creditors**

Name & address of creditor	Is creditor an officer of the association? Y/N	Amount claimed by creditor \$	Amount admitted as owing \$	Reasons for difference (if any) between amount claimed & admitted
----------------------------------	---	--	--------------------------------------	---

**Attachment I**

**Contingent assets**

Description of asset	Gross asset \$	Estimated to produce \$
----------------------	-------------------	----------------------------

---

**Attachment J**

**Contingent liabilities**

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Name & address of creditor	Nature of liability	Gross liability \$	Estimated rank for \$
----------------------------	---------------------	-----------------------	--------------------------

---

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**Certification**

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

Signature: .....

Date:     /     /

Name (*in block letters*) .....

---

**Form 9B**

*Associations Incorporation Act 1985*  
(section 41C)

**Winding up—declaration of solvency statement showing affairs of incorporated association**

To the Corporate Affairs Commission Registration No: .....

---

Name of association

---

Lodging party: .....

Address: .....

.....

Telephone No: ..... DX No: .....

Facsimile No: .....

**Declaration**

The persons listed below declare that—

- we constitute a majority of the members of the committee of the association; and
- we have enquired into the affairs of the association.

At a meeting of the members of the committee, we have formed the opinion that the association will be able to pay its debts in full within 12 months after the commencement of the winding up.

A correct statement of the association's assets and liabilities as at the latest practicable date (specified in the statement) before the making of this declaration is—

- set out below\*
- set out in the annexure marked " ".\*

*\* delete as necessary*

**Signatures of a majority of members of the committee:**

---

Name (*in block letters*): .....

Signature: ..... Date: .....

---

Name (*in block letters*): .....

Signature: ..... Date: .....

---

Name (*in block letters*): .....

Signature: ..... Date: .....

---

Name (*in block letters*): .....

Signature: ..... Date: .....

---

Name (*in block letters*): .....

Signature: ..... Date: .....

---

Name (*in block letters*): .....

Signature: ..... Date: .....

---

Name (*in block letters*): .....

Signature: ..... Date: .....

---

<b>Statement of Assets and Liabilities</b>	
Date of statement..... (d/m/y)	
<b>Assets</b>	<b>Estimated Realisable Values</b> <i>(show amounts to nearest \$)</i> \$
cash with an ADI	
cash on hand	
marketable securities	
bills receivable	
trade debtors	
loans and advances	
stock in trade	
work in progress <i>(as detailed in inventory)</i>	
freehold property	
leasehold property	
plant and machinery	
furniture, fittings, utensils etc	
patents, trademarks etc	
investments other than marketable securities	
other property <i>(as detailed in inventory)</i>	
Estimated realisable value of assets	
<b>Liabilities</b>	<b>Rank for payment</b>
secured on specific assets	
estimated expenses of winding up	
other estimated expenses <i>(including interest accruing until payment of debts in full)</i>	
unsecured creditors <i>(amounts estimated to rank for payment)</i>	
trade accounts	
bills payable	
accrued expenses	
other liabilities	
contingent liabilities	
Total of liabilities	
Estimated surplus after paying debts in full	

**Form 9C**

*Associations Incorporation Act 1985*  
(section 43A)

**Application for deregistration of incorporated association with surplus assets not exceeding \$5 000**

To the Corporate Affairs Commission

1 Name of association: .....  
Registration No: .....

2 Lodging party: .....  
Address for service: .....  
Telephone No: .....  
Facsimile No: .....  
DX No: .....

3 Applicants—Complete either (a) or (b)

(a) **Fill in this part if the applicant is authorised by special resolution of the association to apply for deregistration of the association.**

(For the meaning of **special resolution** see the definition of that expression in section 3(1) of the Act.)

Full name of applicant: .....

Residential address of applicant: .....

Date of meeting at which special resolution passed: ..... / ..... / .....

Type of meeting at which special resolution passed: (*tick one box*)

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

(b) **Fill in this part if the association no longer has an active membership and therefore cannot authorise a person to make an application under section 43A of the Act. There must be at least 2 applicants for an application for deregistration of such an association.**

*Applicant 1*

Full name: .....

Residential address: .....

Applicant 1 is (*tick one box and provide details if required*)—

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

.....  
.....  
.....

*Applicant 2*

Full name: .....

Residential address: .....

Applicant 2 is (*tick one box and provide details if required*)—

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

.....  
.....  
.....

*Attach details separately if there are further applicants.*

4 Declaration

I/we make the following declaration:

- (a) The association has no liabilities.
- (b) The association is not party to any legal proceedings.
- (c) 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.
- (d) Attachments 1, 2 and 3 have been completed and attached to the application as required.
- (e) The information in this form and the attachments is, to the best of my/our knowledge and belief, true and complete.

**It is an offence to make a statement that is, to the person's knowledge, false or misleading in a document lodged with the Commission or to omit or authorise the omission from any such document a particular which is, to the person's knowledge, a material particular.**

Name: .....

Signature: .....

Date: ..... / ..... / .....

Name: .....

Signature: .....

Date: ..... / ..... / .....

*Attach details separately if there are further applicants.*

**Attachment 1: Surplus Assets—Details and Manner of Distribution**

This attachment must be completed and attached to the application.

It comprises a table setting out—

- the details of the surplus assets of the association; and
- the total value of the surplus assets; and
- the manner in which the surplus assets have been or will be dealt with.

The table must be completed in full even if all of the association's assets have already been distributed.

None of the assets available for distribution may be distributed to members or former members or associates of members or former members of the association.

**Surplus Assets—Details and Manner of Distribution**

Notes:

- \* The table must be completed in full even if all of the association's assets have already been distributed.  
 Full details must be given in respect of each asset, whether already distributed or still to be distributed.
- # The value of the asset must be the amount entered in relation to that asset in the association's accounts OR the estimated market value of the asset, whichever is greater.

Description of asset	Name of person or body to whom asset has been or is to be distributed	Has asset already been distributed?*	Is asset's value based on its value as recorded in the association's accounts (AA) or its estimated market value (EMV)?#	Value
		Y/N		\$
<b>Total value of surplus assets</b>				

**Attachment 2—Rules governing distribution of assets**

A true copy of the rules of the association governing the distribution of assets on deregistration or winding up must be attached to the application as Attachment 2 unless the application is made under item 3(b) and there are no such valid rules.

If the application is made under item 3(b) and there are no valid rules of the association governing the distribution of assets on deregistration or winding up, the applicants must, by ticking the box below, request that under section 43A(5) of the Act the Corporate Affairs Commission approve the manner or proposed manner of distribution of assets.

- The Corporate Affairs Commission is requested to approve the manner or proposed manner of distribution of assets set out in Attachment 1.

**An additional fee will be payable in respect of this request.**

**The box is to be ticked only if the application is made under item 3(b) and there are no valid rules governing the distribution of assets on deregistration or winding up.**

**Attachment 3—Committee of association**

This attachment must be completed and attached to the application.

It comprises the names and addresses of the committee of the association.

The information is required by the Corporate Affairs Commission but will not be made available for inspection by members of the public.

In the case of an application under item 3(b), it is recognised that full details may not be available to the applicants. Such applicants are asked to provide as much information as is available.

If the association is deregistered, the persons who were members of the committee of the association immediately before deregistration should be made aware that they are required to keep the association's books (other than certain books required to be kept by a liquidator) for 3 years after the deregistration (*see section 601AD of the Corporations Act 2001 of the Commonwealth as modified by regulations under the Associations Incorporation Act 1985*).

Set out the names and addresses of the members of the committee of the association:

.....

.....

.....

.....

.....

.....

.....

*If insufficient space, attach details separately.*

**This information will not be made available for public inspection.**

## Form 9D

*Associations Incorporation Act 1985*  
(section 53A)

### Application for reservation of name for proposed incorporated association

To the Corporate Affairs Commission

---

Lodging party: .....

Address: .....

.....

Telephone No: ..... DX No: .....

Facsimile No: .....

---

Name to be reserved:.....

Is this name the same as some other business name or is it the name of a body corporate?

Yes/No

If the answer is "yes", give details of the other name(s).

---

#### Details of applicant

Name (*in block letters*): .....

Residential address: .....

.....

Is the address of the applicant the same as the lodging party? ..... Yes/No

---

#### Signature of lodging party or applicant

Signature: ..... Date / /

---

**Form 10**

*Associations Incorporation Act 1985*  
(section 56(5))

**Notice of change of public officer or change of address of public officer**

Reg No .....  
*(to be completed by lodging party)*

To the Corporate Affairs Commission

Re: ..... Incorporated.  
*(full name of association)*

**\*Change of Public Officer**

Notice is given that I .....  
*(full name of new public officer)*

of .....  
*(residential address)*

.....  
*(postal address of public officer, if relevant)*

South Australia .....  
*(occupation)*

was appointed public officer of the association on ..... 20 .....

This appointment is in place of .....  
*(full name of previous public officer)*

who ceased to be the public officer of the association on ..... 20 .....

**\*Change of Address of Public Officer**

Notice is given that I, .....  
*(full name of public officer)*

the public officer of the association, changed my residential address to .....  
*(insert new residential address)*

\*My postal address is .....  
..... South Australia.

Dated: ..... 20 .....

.....  
*(Signature of public officer)*

Name: .....  
*(block letters)*

*\*Delete as necessary*

## Form 11

*Associations Incorporation Act 1985*  
(section 59(2))

### Notice of variation or revocation of a trust affecting rules

Reg No .....  
*(to be completed by lodging party)*

To the Corporate Affairs Commission

Re: ..... Incorporated  
*(full name of association)*

Notice is given that on ..... 20 .....,  
the instrument dated ..... 20 .....,  
establishing the ..... Trust  
was \*varied in the manner undermentioned/revoked.

\*Full particulars of the variation are:

.....  
.....  
.....

Dated this ..... day of ..... 20 .....

Signed: .....  
*(Public Officer)*

Name: .....  
*(Block Letters)*

*\*Delete as necessary*

*(Note—Section 59 requires this notice to be given not later than one month after the variation or revocation.)*

## Form 12

*Associations Incorporation Act 1985*  
(section 7(1)(h))

### Supplementary document

Reg No .....  
*(to be completed by lodging party)*

Re: ..... Incorporated.  
*(full name of association)*

This document and the annexed document (if any) is/are intended to supplement and to form part of: .....

(1) (Description of document)  
dated ..... 20 .....,  
and lodged with the Corporate Affairs Commission on or about ..... 20 .....,  
which is to be supplemented as follows:

(2) .....  
.....  
.....  
.....  
.....  
*(details to supplement previously lodged form)*

DATED this ..... day of ..... 20 .....

SIGNED: .....  
*(Public Officer)*

NAME: .....  
*(Block Letters)*

**[DIRECTIONS:**

- (1) *Insert sufficient description to enable identification of document previously lodged.*
- (2) *If there is insufficient space to furnish the required information the information should be set out in an annexure to the form.]*

## Schedule 2—Fees

1	For inspection under section 6(2) of the Act of documents lodged by or in relation to an association	\$18.50
2	For the supply of an uncertified copy, or the supply of a copy of an extract from, a document held by the Commission in relation to an association (in addition to the fee payable under clause 1)—	
	(a) for one page	\$4.00
	(b) for each additional page or part of a page	\$1.00
3	For the supply of a certified copy of, or the supply of a certified copy of an extract from, a document held by the Commission in relation to an association (in addition to the fee payable under clause 1)—	

**Associations Incorporation Regulations 1993—1.7.2005 to 30.6.2006**  
Schedule 2—Fees

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	(a) for one page	\$18.50
	(b) for each additional page or part of a page	\$1.00
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	\$45.50
5	On lodging an application to the Minister to exercise any powers conferred on the Minister by the Act	\$45.50
6	On lodging an application for incorporation under section 19 of the Act	\$134.00
7	On lodging an application for amalgamation under section 22 of the Act	\$134.00
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)	\$45.50
9	For the approval of the Commission of an auditor under section 35(2)(b) of the Act	\$63.00
10	On lodging a periodic return under section 36 of the Act	\$63.00
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	\$134.00
12	On lodging an application for the approval of the Commission for extension of period under section 41C(4)(a) of the Act	\$47.25
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	\$63.00
14	On lodging an application to deregister an association under section 43A(1) of the Act	\$93.50
15	On making a request of the Commission under section 43A(5) of the Act (in addition to the fee payable under clause 14)	\$63.00
16	On lodging an application to the Commission to exercise the powers conferred by section 44A or 46 of the Act	\$63.00
17	For an act done by the Commission—	
	(a) representing a defunct association or its liquidator under section 44A of the Act	\$63.00
	(b) under section 46 of the Act	\$63.00
18	On lodging an application to the Commission to exercise the power conferred by section 53 of the Act	\$63.00
19	On lodging an application to reserve a name under section 53A(1) of the Act	\$93.50
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 one month after the prescribed time	\$24.70
	(b) if lodged more than one month but within three months after the prescribed time	\$50.50
	(c) if lodged more than three months after the prescribed time	\$108.00
21	For the production by the Commission, pursuant to a subpoena, of a document held by it in relation to an association	\$35.00
22	For each two pages or less of the document produced (in addition to the fee payable under clause 21)	\$1.00
23	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	\$24.70

## 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.

### Legislation revoked by principal regulations

The *Associations Incorporation Regulations 1993* revoked the following:

*All regulations previously made under the Associations Incorporation Act 1985*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1993	88	<i>Gazette 20.5.1993 p1709</i>	1.6.1993: r 2
1994	72	<i>Gazette 2.6.1994 p1628</i>	1.7.1994: r 2
1995	61	<i>Gazette 10.5.1995 p2014</i>	1.7.1995: r 2
1996	104	<i>Gazette 30.5.1996 p2697</i>	1.7.1996: r 2
1997	72	<i>Gazette 13.5.1997 p1849</i>	1.7.1997: r 2
1997	251	<i>Gazette 24.12.1997 p1802</i>	1.2.1998: r 2
1998	115	<i>Gazette 28.5.1998 p2438</i>	1.7.1998: r 2
1999	68	<i>Gazette 27.5.1999 p2830</i>	1.7.1999: r 2
1999	143	<i>Gazette 1.7.1999 p55</i>	1.7.1999: r 2
2000	37	<i>Gazette 11.5.2000 p2517</i>	11.5.2000: r 2
2000	72	<i>Gazette 25.5.2000 p2736</i>	1.7.2000: r 2
2001	88	<i>Gazette 31.5.2001 p2035</i>	1.7.2001: r 2
2001	155	<i>Gazette 28.6.2001 p2490</i>	15.7.2001: r 2
2002	77	<i>Gazette 20.6.2002 p2565</i>	1.7.2002: r 2
2003	76	<i>Gazette 29.5.2003 p2203</i>	1.7.2003: r 2
2004	73	<i>Gazette 27.5.2004 p1509</i>	1.7.2004: r 2
<b>2005</b>	<b>108</b>	<b><i>Gazette 26.5.2005 p1562</i></b>	<b>1.7.2005: r 2</b>
2006	153	<i>Gazette 15.6.2006 p1917</i>	1.7.2006: 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>rr 2 and 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2004</i>
r 8	varied by 251/1997 r 4 substituted by 37/2000 r 3	1.2.1998 11.5.2000
r 10		
r 10	substituted by 251/1997 r 3 substituted by 37/2000 r 4	1.2.1998 11.5.2000
r 10(1)	varied by 155/2001 r 3(a)—(e)	15.7.2001
r 10(2)	varied by 155/2001 r 3(f)	15.7.2001
r 10A	inserted by 251/1997 r 3	1.2.1998
rr 14 and 15	varied by 251/1997 r 4	1.2.1998
Sch 1		
<i>List of forms</i>	<i>deleted by 251/1997 r 5 (Sch para (a))</i>	<i>1.2.1998</i>
Forms 9A and 9B	inserted by 251/1997 r 5 (Sch para (b)) varied by 143/1999 r 3 (Sch cl 1)	1.2.1998 1.7.1999
Form 9C	inserted by 251/1997 r 5 (Sch para (b)) substituted by 37/2000 r 5 (Sch) varied by 155/2001 r 4	1.2.1998 11.5.2000 15.7.2001
Form 9D	inserted by 251/1997 r 5 (Sch para (b))	1.2.1998
Sch 2	varied by 72/1994 r 3 varied by 61/1995 r 3 varied by 104/1996 r 3 substituted by 72/1997 r 3 varied by 251/1997 r 6 varied by 115/1998 r 3 varied by 68/1999 r 3 substituted by 72/2000 r 3 substituted by 88/2001 r 3 varied by 155/2001 r 5 substituted by 77/2002 r 3 substituted by 76/2003 r 4 substituted by 73/2004 r 4 <b>substituted by 108/2005 r 4</b>	1.7.1994 1.7.1995 1.7.1996 1.7.1997 1.2.1998 1.7.1998 1.7.1999 1.7.2000 1.7.2001 15.7.2001 1.7.2002 1.7.2003 1.7.2004 <b>1.7.2005</b>

## Historical versions

Reprint No 1—1.7.1999

Reprint No 2—11.5.2000

Reprint No 3—1.7.2000

Reprint No 4—1.7.2001  
Reprint No 5—15.7.2001  
Reprint No 6—1.7.2002  
Reprint No 7—1.7.2003  
1.7.2004