

CE301\*

Associations Incorporation Act 1987

## **Associations Incorporation Amendment Regulations 2003**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations may be cited as the *Associations Incorporation Amendment Regulations 2003*.

### **2. The regulations amended**

The amendment in these regulations is to the *Associations Incorporation Regulations 1988*\*.

[\* Reprinted as at 11 October 2002.]

### **3. Regulation 6 replaced**

Regulation 6 is repealed and the following regulation is inserted instead —

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### **6. Applied provisions — voluntary winding up**

- (1) The voluntary winding up of an incorporated association under section 30 of the Act is declared to be an applied Corporations legislation matter for the purposes of Part 3 of the *Corporations (Ancillary Provisions) Act 2001* in relation to Parts 5.5 and 5.6 of the Corporations Act other than sections 491, 496 to 500, 507, 514 to 529, 580 and 581.
- (2) The following modifications to the text of Parts 5.5 and 5.6 of the Corporations Act apply for the purposes of subregulation (1) —
  - (a) a reference to the constitution of a company is to be read as a reference to the rules of an incorporated association;

- (b) a reference to a special resolution is to be read as a reference to a special resolution within the meaning of the Act;
  - (c) a reference to an officer, or a past officer, of a company is to be read as a reference to a member, or a past member, of the committee of an association;
  - (d) a reference to a contributory of a company is to be read as a reference to a member of an association;
  - (e) a reference to the registered office of an incorporated association is to be read as a reference to the place where the secretary of an incorporated association resides;
  - (f) a reference to a company carrying on its business or having a place of business is to be read as a reference to an incorporated association pursuing its objects or purposes;
  - (g) a reference to the deregistration of a company is to be read as a reference to the winding up of an incorporated association.
- (3) Section 501 of the Corporations Act, as applied because of this regulation, is not to be read as authorising the distribution of surplus property of an incorporated association to its members.
- (4) In addition to any person qualified to act as the liquidator of a company under Parts 5.5 and 5.6 of the Corporations Act, as applied because of this regulation, a person in respect of whom an approval is in force under regulation 7 may be appointed, and may act as, liquidator of an incorporated association to which the approval relates.
- (5) Subregulation (4) applies despite section 532 of the Corporations Act as applied because of this regulation.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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