

WESTERN AUSTRALIA

ASSOCIATIONS INCORPORATION ACT 1987

**ASSOCIATIONS
INCORPORATION
REGULATIONS
1988**

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WESTERN AUSTRALIA

ASSOCIATIONS INCORPORATION ACT 1987

**ASSOCIATIONS INCORPORATION
REGULATIONS 1988**

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WESTERN AUSTRALIA

ASSOCIATIONS INCORPORATION ACT 1987

**ASSOCIATIONS INCORPORATION
REGULATIONS 1988**

Citation

1. These regulations may be cited as the *Associations Incorporation Regulations 1988*¹.

Commencement

2. These regulations shall come into operation on the day on which the *Associations Incorporation Act 1987* comes into operation.

Interpretation

3. In these regulations, unless the contrary intention appears —

“Code” means the *Companies (Western Australia) Code*.

Application for approval of purpose

4. An application to the Commissioner for the approval of a purpose of an association under section 4 (1) (f) of the Act shall be accompanied by —

(a) a copy of the rules of the association conforming to the requirements of the Act; and

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- (b) a certificate given by the applicant as to the matters referred to in section 5 (2) (b) of the Act.

Request to Minister to review

5. A request to the Minister under section 4 (6) (a), 7 (2) (a), 8 (2) (a), 9 (3) (a), 18 (4) (a) or 19 (3) (a) of the Act to review a decision of the Commissioner shall be lodged with the Commissioner and shall be accompanied by a copy of the Commissioner's notice of refusal together with the applicant's representations in support of the applications (if any).

Applied provisions — voluntary winding up

6. (1) For the purposes of section 30 (4) of the Act Divisions 3 and 4 of Part XII of the Code apply, unless the context or subject matter otherwise indicates or requires, to the voluntary winding up of an incorporated association with the following exclusions, additions and modifications —

- (a) a reference to the articles of a company shall be read as a reference to the rules of an incorporated association;
- (b) a reference to the Commission shall be read as a reference to the Commissioner;
- (c) a reference to a contributory of a company shall be read as a reference to a member of an association;
- (d) a reference to the Court shall be read as a reference to the Supreme Court;
- (e) a reference to a company carrying on its business or having a place of business shall be read as a reference to an incorporated association pursuing its objects or purposes;
- (f) sections 392 and 397 are excluded;
- (g) subdivision C of Division 3 is excluded; and

- (h) subdivision F of Division 4 apart from sections 458 and 460 is excluded.

(2) Notwithstanding section 417 of the Code, in addition to any person qualified to act as the liquidator of a company under the Code, 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.

Approval of liquidator

7. Where, having regard to —

- (a) the property, debts and liabilities of an incorporated association; and
- (b) the interests of the creditors and members of an incorporated association,

the Commissioner is satisfied that a person is a fit and proper person to exercise and perform the powers and duties of liquidator of an incorporated association, the Commissioner may by instrument in writing approve of the person acting as liquidator of the incorporated association subject to such conditions as he thinks fit and may in like manner vary or revoke any such approval or conditions.

Applied provisions — winding up by Court

8. For the purposes of section 31 (3) of the Act the following modifications to the provisions of Division 6 of Part XII of the Code are prescribed —

- (a) a reference to the Court shall be read as a reference to the Supreme Court;
- (b) a reference to a company carrying on its business or having a place of business shall be read as a reference to an incorporated association pursuing its objects or purposes.

Forms

9. The forms set out in Schedule 1 are prescribed for the respective purposes for which forms are required by sections 5 (1), 6 (1), 9 (1) and 18 (6) of the Act.

Compliance with forms

10. (1) Strict compliance with the style of a form set out in Schedule 1 is not necessary, unless the Commissioner so requires.

(2) Strict compliance with the substance of, and provision of the information required by, a form set out in Schedule 1 is necessary unless the Commissioner otherwise approves.

Completion of forms

11. A form shall be completed in accordance with such directions and instructions as are specified in, or relate to, the form.

General requirements for documents

12. Unless the Commissioner otherwise approves, a document lodged with the Commissioner shall —

- (a) be on paper of medium weight of good quality and of a size not less than international sheet size A5 and not more than foolscap folio size or international sheet size A4;
- (b) be legibly and clearly printed, written or otherwise produced in a manner that is permanent and will make possible a reproduction by photographic means that is satisfactory to the Commissioner;
- (c) not be a carbon copy, or a copy reproduced by any spirit duplication method;
- (d) have margins of not less than 25 millimetres on the left-hand side and not less than 13 millimetres on the right-hand side;

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(5) A reference to an annexure includes a reference to a document, copy of a document or any other matter accompanying, attached to or annexed to a form.

Signature of documents lodged with Commissioner

14. (1) Subject to the Act and these regulations, a document relating to an incorporated association that is required to be lodged with the Commissioner by or on behalf of the association shall be signed by a member of the committee of the association authorized by the committee for that purpose.

(2) The name of a person signing a document that is lodged with the Commissioner shall be legibly written under or alongside the signature of that person.

Translations

15. (1) Where any document or part of a document required to be lodged with the Commissioner is not written in the English language that document or part, unless the Commissioner otherwise directs, shall be accompanied by a translation of the document or part certified by a person approved by the Commissioner.

(2) The Commissioner may, before accepting a translation for lodgment, require the person lodging the translation to furnish to the Commissioner such evidence as the Commissioner thinks sufficient of the ability of the person by whom the translation is made to make the translation.

Fees

16. The fees set out in Schedule 2 are prescribed in respect of the matters referred to.

Repeal

17. The *Associations Regulations 1953* and the *Associations (Certification) Regulations 1982* are repealed.

[*Regulation 17 inserted in Gazette 22 July 1988 p.2483.*]

Schedule 1

[Regulation 9]

FORMS

Form 1

Associations Incorporation Act 1987 [Section 5(1)]

APPLICATION FOR INCORPORATION OF ASSOCIATION

To the Commissioner for Corporate Affairs:

1. I, of
(Full name)
.....
(Full address and occupation)
....., Being duly authorized by the association,
apply for incorporation of the association under the name —
.....
(insert name of association).
 2. The association is formed for the purpose of —
.....
(insert main purpose)
and is considered eligible to be incorporated as an association within the
meaning of the Act by virtue of —
.....
(insert provision of section 4 (1) applicable to this association).
 3. The association is not formed for the purpose of trading or securing a
pecuniary profit to the members from the transactions of the association.
 4. The rules of the association marked with the letter "A" annexed to my
certificate as to the matters required by section 5 (2) (b) of the Act
conform to the requirements of the Act.
 5. The prescribed fee is tendered herewith.
- Dated the day of 19
Signed
Print full name in block letters

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Form 2

Associations Incorporation Act 1987 (Section 6 (1))

ADVERTISEMENT OF INTENDED APPLICATION
FOR INCORPORATION OF

.....
(Set out name of association)

NOTICE is hereby given that

.....
(full name, address and occupation of applicant)

being duly authorized by the abovenamed association intends to apply to the
Commissioner for Corporate Affairs on or after

.....
(insert date being at least one month but not more than 3 months after
publication of this notice)

for incorporation of
(insert name of association)

The association is formed for the purpose of

.....
(insert main purpose)

Signed

Print full name in block letters

Form 3

Associations Incorporation Act 1987 (Section 9 (1))

CERTIFICATE OF INCORPORATION

No.

THIS IS TO CERTIFY THAT

has this day been incorporated under the *Associations Incorporation Act 1987*.

Dated this day of 19

.....
Commissioner for Corporate Affairs.

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Sch. 1

Form 4

Associations Incorporation Act 1987 (Section 18 (6))

CERTIFICATE OF INCORPORATION ON CHANGE OF NAME

THIS IS TO CERTIFY THAT
which was on the day of 19.....
incorporated under the *Associations Incorporation Act 1987* changed its name to
..... on this day of 19.....

.....
Commissioner for Corporate Affairs.

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Schedule 2

[Regulation 16]

FEES

	\$
1. Application for approval of purpose of an association under section 4 (1) (f)	24.00
2. Application for incorporation of an association under section 5 (1)	80.00
3. Lodgment of request to Minister to review decision of Commissioner	24.00
4. (a) Lodgment of notice of special resolution setting out particulars of alteration of rules of an association under section 17 ..	13.00
(b) Where alteration of rules has effect to change name of an association, on approval of change of name and issue of certificate of incorporation on change of name under section 18 (6)	13.00
(c) Where alteration of rules has effect to change objects or purposes of an association, on approval of the alteration under section 19	13.00
5. Lodgment of application for extension of period for holding an annual general meeting under section 23 (1)	24.00
6. Lodgment of application for approval of variation of provisions of rules of an association relating to distribution of surplus property upon winding up under section 33 (4)	24.00
7. Lodgment of distribution plan under section 33 (6)	24.00
8. Inspection of document lodged with Commissioner under section 37 (2) (a)	5.00
9. Issue of uncertified copy of, or extract from document lodged with Commissioner —	
(a) where fee payable under item 8 for inspection of the document has been paid, for each page	1.00

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Sch. 2

		\$
	(b) where fee payable under item 8 for inspection of the document has not been paid —	
	(i) for the first page	5.00
	(ii) for each additional page	1.00
10.	Issue of certified copy of, or extract from document lodged with Commissioner —	
	(a) for the first page	7.00
	(b) for each additional page	1.00
11.	Application for certificate of Commissioner under section 38	7.00

*[Schedule 2 inserted in Gazette 27 June 1995
pp.2543-4.]*

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NOTES

¹ This reprint is a compilation as at 28 November 1997 of the *Associations Incorporation Regulations 1988* and includes the amendments referred to in the following Table.

Table of Regulations

Regulation	Gazettal	Commencement	Miscellaneous
<i>Associations Incorporation Regulations 1988</i>	24 June 1988 pp.1998-2001	25 July 1988 (see regulation 2 and <i>Gazette</i> 24 June 1988 p.1995)	
<i>Associations Incorporation Amendment Regulations 1988</i>	22 July 1988 p.2483	25 July 1988 (see regulation 2 and <i>Gazette</i> 24 June 1988 p.1995)	
<i>Associations Incorporation Amendment Regulations 1990</i>	12 October 1990 p.5176	12 October 1990	
<i>Associations Incorporation Amendment Regulations 1991</i>	8 November 1991 p.5716	8 November 1991	
<i>Associations Incorporation Amendment Regulations 1993</i>	31 August 1993 p.4686	1 September 1993 (see regulation 2)	
<i>Associations Incorporation Amendment Regulations 1995</i>	27 June 1995 pp.2543-4	1 July 1995 (see regulation 2)	