



AssociationsInfo

Member newsletter published by Consumer Protection, a division of the Department of Commerce

New searches online

You may already be dealing with a number of bodies ranging from financial institutions, major funding bodies or peak bodies wanting written confirmation on the status of your incorporated association.

Until recently, this confirmation has only been available by calling the Associations Registration Branch, but now anyone can conduct a website search!

Following collaboration with the Australian Securities and Investment Commission ("ASIC"), the names of incorporated associations are now on the National Names Index ("NNI"). The NNI is an index of Australian corporate names, registered businesses and incorporated associations.

The search facility is free of charge and allows you to find out some basic, but essential, information about registered organisations.

The NNI can provide an association's:

- **registered name**,
- **registration number** - an Australian Business Number (ABN) will also be displayed where ASIC has been advised by the Australian Business Register (based on its ACN/ARBN/ARSN),
- **current status** - e.g. registered or deregistered,
- **date of registration**,
- **date of deregistration** - where applicable, and
- **jurisdiction** - the Department responsible for administration of the law where the Association was created.



To conduct a search visit www.asic.gov.au, the search function is located at the bottom right of the screen. Simply type in the name of the association and click "Go".

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Using our website

Associations applying to become incorporated, or for those already incorporated, our website www.commerce.wa.gov.au/associations provides easy access to some of the more general information and services you may need, including:

- copies of forms,
- the Model Rules,
- information sheets, and
- newsletters.

Should you need hard copies of documents, such as a replacement 'Certificate of Incorporation' or the rules of your association, the appropriate forms are now available online in the forms and publications section.

There is also a link to **INC: a guide for incorporated associations in Western Australia** website. This is a free online version of the extensive governance guide.

Introducing the Department of Commerce

The new year heralded a name change for the Department of Consumer and Employment Protection (DOCEP). On the 1st January 2009, DOCEP became the **Department of Commerce**. However, Consumer Protection remains a division of the Department.

You may receive publications displaying the former name until all old stocks are exhausted. The stationary will then be updated to reflect the new name.

All of our publications and forms are available on the Department's website: www.commerce.wa.gov.au/associations.

We have moved...

The Associations & Charities Branch has relocated to **Unit 4, 321 Selby Street North, Osborne Park**.

You can still lodge your documents in person at the Department's main counter at Forrest Centre ground floor, 219 St Georges Terrace, Perth. However if you need assistance with your inquiry, our office staff are only available at Osborne Park.

The Branch's postal address and phone numbers remain unchanged:

Postal address : Locked Bag 14, Cloisters Square 6850 and

Phone: 9282 0764 or 1300 30 40 74 for country callers.

Associations Incorporation Act review - update

We have received a number of enquiries about the review of the *Associations Incorporation Act 1987* and whether associations should now update their rules/constitution.

The decision to update the rules is something for individual associations to consider, and you should not hold off changing the rules if the amendments are necessary to improving governance within your association, or to comply with the current Act.

The work being done to review the current Act does not impact on your rules at this point in time. It is expected the Bill will continue to evolve as the review process proceeds and the Model Rules may need to be reviewed to accommodate these changes once the legislation is finalised.

Governance training for Indigenous organisations

A pilot project involving the Western Australian and Commonwealth Governments was recently completed, which included the running of governance training workshops for Indigenous organisations.

Under the trial arrangement, workshops were held in five locations throughout Western Australia. The course was based on a well tested program being used by the Commonwealth Office of the Registrar of Indigenous Corporations (ORIC).

The introductory workshops were well attended, with around 30 participants at each session. Initial feedback to the workshops has been positive, and it appears those attending have benefited from the information provided. Further evaluation of the program will determine whether the partnership continues in the future.

Details of all the courses run by ORIC are available from their website: www.oric.gov.au.

Focus on education

Consumer Protection's associations information sessions continue to be very successful with around 800 people attending the free presentations in the past 12 months. The sessions are particularly useful for members who want to gain a better understanding of the advantages and responsibilities of belonging to an incorporated association.

Recent presentations have included information about:

- the legal obligations of your association,
- members' rights,
- the committee members' responsibilities and liabilities,
- changing your rules/constitution, and
- the benefits of being incorporated.

The proposed program for the 2009/10 financial year will include presentations in the various country regions, including Goldfields, Midwest, Gascoyne and the Pilbara. Two presentations are also planned to be held in the Perth metropolitan area.

For more information regarding the information sessions, please visit our website www.commerce.wa.gov.au/associations.

Annual General Meetings

The financial year for many associations will end on 30 June 2009. It is time to remind all associations of their obligation to hold an Annual General Meeting (AGM).

The AGM must be held **within four months** after the association's end of financial year. If your association requires additional time, you must make a written application for an extension. Please remember, the application for an extension and the appropriate fee must be received **prior** to the end of the four months.

To make this process easier, we have developed a new form. Copies of the form are available from

www.commerce.wa.gov.au/associations, or contact us.

Planning to change your rules?

Many associations use their Annual General Meeting as an opportunity to amend their rules (also known as the Constitution). Remember, changes to the rules must be passed by a majority of 75% of members who are present at the meeting and entitled to vote (this can include proxies if allowed in the rules).

For the changes to take effect, they must be lodged with Consumer Protection within **ONE** month of the meeting.

To notify Consumer Protection of changes to the rules, objects or name, the association needs to complete a Form 5 - Notice of Special Resolution, provide details of the changes and pay the prescribed fee.

To help us process your documents in a timely manner, please remember to:

- check the schedule of fees and pay the correct amount,
- lodge your documents on time,
- complete the Form 5 in full and remember to write your association name as it appears on your certificate of incorporation, and
- include an annexure statement if you are attaching extra pages to the form.

For more information please contact us on the details below.



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This publication is available on request in other formats to assist people with special needs.

Disclaimer: The information contained in this newsletter is not intended to be legal advice and should not be relied upon as giving legal advice.