



AssociationsInfo

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



Sorting out disputes

Who let them become a member? Why can't we see the new rules? During the life of an association there are bound to be queries and disputes like these and the way they are handled can often dictate whether they escalate. A minor issue might be resolved through a conversation, while a complex serious matter could lead to a member being expelled or employee being dismissed.

Dealing with these issues is an important task for the Management Committee. We want to clarify when Consumer Protection can help and when you have to sort it out amongst yourselves.

Consumer Protection can only investigate issues when associations may not be complying with their obligations under the *Associations Incorporation Act*. If the dispute falls outside of this jurisdiction, as is often the case, the association and its members must resolve the issues themselves or seek some other form of assistance.

To assist you in resolving disputes when Consumer Protection can not intervene, here are some suggestions.

- Have a look at the association's rules (often called the Constitution). Many associations have a detailed dispute resolution process in their rules, so the answer could be there.
- Check to see if an alternative organisation like a Community Legal Centre or Citizen's Advice Bureau, which may offer low cost legal advice, mediation and referral services, can help you solve the problem quickly.
- To prevent disputes from escalating in the future, amend the association's rules to include a grievance policy, using the Grievance and Disputes section of Consumer Protection's model rules when considering what to put in and how to phrase it.

For more information regarding options for resolving disputes refer to the Grievances and Disputes chapter of INC: A Guide for Incorporated Associations in Western Australia. It is available online at:

www.commerce.wa.gov.au/associationsguide

Don't miss out – Update your contact details

Don't forget to keep us up to date when it comes to your contact details otherwise you may miss out on the associations newsletter and the important information it contains. We can only get the publication to you if we have the correct postal address. So if the contact details of the association change let us know via a letter, or contact the Associations' section for a form to complete. If you belong to more than one association, make sure that their contact details are up to date too!

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Lodging documents - How much does it cost?

A review of fees for lodgement of all Association documents has led to increases, effective from July 1st 2009. The fee to amend association rules has changed from \$19.50 to \$21.00, while the fee to apply for an extension of time to hold an AGM has changed from \$35.00 to \$37.75.

It is important to note that documents are not deemed as lodged with Consumer Protection until the correct fee is paid.

Check out the full schedule of fees on our website:

www.commerce.wa.gov.au/associations

Feedback leads to changes in the Incorporation Green Bill

The Associations Incorporations Act 1987 is currently under review.

A proposed three tier structure for financial accountability of associations was received with concern, according to feedback obtained during the most recent Consumer Protection consultation process.

The suggested three tiered system in the Green Bill included a level of auditing that would be determined by the association's annual turnover and net assets.

A new structure has now been suggested which will classify the financial requirements of associations into two tiers.

- Tier 1 associations will have income or revenue of less than \$500,000 per annum.
- Tier 2 associations, will have income or revenue of or greater than \$500,000 per annum.

Tier 1 associations will not be required to have their financial statements audited. However, they will still need to keep their accounts in a form that accurately reflects their financial position and ensures that accounts can be audited if necessary.

Auditing of Tier 2 association accounts will be mandatory.

In addition to this change, plans for associations to appoint a public officer have been scrapped. The requirement was considered to be too great a burden, especially for smaller associations.

Hot Issues - the 'Big Three'

All incorporated associations are required to keep an up to date copy of three documents, known as the "Big Three". They are as follows:

- A members' Register – containing names and addresses;
- A record of Office Bearers – also containing names; and addresses; and
- A current version of Rules – commonly called the constitution.

Under the *Associations Incorporation Act 1987*, members have a legal right to inspect and copy the "Big Three" records, however they cannot remove them. Freedom to access these documents is to enable members to contact each other to discuss the affairs of their association.

Keeping you in the loop

Staff from Consumer Protection's Associations' section regularly make presentations in regional Western Australia and the metropolitan area. After impressive attendance figures we are planning more!

Topics at these information sessions include the obligations of the Management Committee and the rights of members under the *Associations Incorporation Act 1987*.

Thank you to those of you who came to the sessions in the Goldfields/Esperance region in October and more recently the session at the North Beach Rugby Club.

Further sessions are planned for the Midwest and Gascoyne Regions in April 2010 and the Pilbara Region in June 2010. Plus, a session is planned for the metropolitan area next February. For more information regarding future presentations please go to:

www.commerce.wa.gov.au/associations

It is now 18 months since 'Inc' – A guide for Incorporated Associations in Western Australia was posted to 15,000 incorporated associations throughout WA on a compact disk. In order to meet a commitment to keep the information up to date, the Associations Section is currently reviewing the guide.

The review is set to be completed by the end of the year, with an aim of providing the Guide in a format that makes it the primary source of information distributed to Incorporated Associations by Consumer Protection.

To browse or download the latest version of the Guide click:

www.commerce.wa.gov.au/associationsguide



Better Trading

Consumer Protection Online Newsletter

Better Trading is a bimonthly newsletter published by Consumer Protection to provide a simple and effective way to inform those with an interest in consumer protection and fair trading matters about current issues, important events and future trends affecting Western Australia.

Subscribe now for free. Simply subscribe by providing your name and email address to Better Trading at:

www.commerce.wa.gov.au/bettertrading

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