



Government of **Western Australia**
 Department of **Commerce**
Consumer Protection

Associations Incorporation
 Act (1987)

Please note: Consumer Protection does not generally investigate concerns relating to a breach of an organisation's rules, articles or constitution - please refer to the instructions attached.

Please complete the following using a PEN. Write clearly using BLOCK LETTERS and tick where required. If you require assistance completing this form please contact the Associations & Charities Branch on 9282 0764 or 1300 30 40 74.

Complaint made by (your details):

Preferred title Mr Mrs Miss Ms Other Title

Family Name:

Given Name:

Address:

Your Telephone Numbers Work:

 Home:

 Mobile:

 Email:

Who is the complaint about?

Name of Association:

Registration Number:
 (if known)

Address:

Name of contact person in the Association and their position:

Telephone number and/or email address:

**Complaint Form:
 Incorporated Associations**

DEPARTMENT OF
COMMERCE
**ASSOCIATIONS &
 CHARITIES BRANCH**

Unit 4/321 Selby Street North
 Osborne Park WA 6017

Postal Address:
 Locked Bag 14
 Cloisters Square
 Perth WA 6850

Associations advice:
 8.30am to 5pm
 Monday to Friday
 (excluding public holidays)

Telephone:
9282 0764

1300 30 40 74
 (country callers - local call cost)

Fax:
9282 4337

Website
www.commerce.wa.gov.au/associations

Declaration:

I have approached the association to try to resolve this matter.

Yes No

I agree to my name being revealed in correspondence or during investigations concerning my complaint.

Yes No

The information supplied by me is, to the best of my knowledge, true and correct.

Printed Name:

Signature:

Date:

Please lodge this form:

IN PERSON: Unit 4, 321 Selby Street North
OSBORNE PARK

OR

BY MAIL: Associations & Charities Branch
Consumer Protection
Department of Commerce
Locked Bag 14
Cloisters Square, PERTH WA 6850

What happens next and what to expect:

- You will receive an acknowledgement of your complaint with the name and telephone number of the officer assigned to the matter within four days of us receiving this complaint form.
- You may be asked to provide further information and documentation to clarify or support any claims made in the complaint.
- The association concerned may be given an opportunity to comment on any relevant allegations made in a complaint.
- Should you indicate that you do not wish to be identified, Consumer Protection will endeavour to protect your identity. **However, the Department is bound by obligations under the *Freedom of Information Act* and may be requested to release information relating to the complaint.**
- You will receive regular feedback regarding the progress of your complaint.
- Consumer Protection seeks to encourage compliance where possible and will generally achieve this through education activities or by seeking remedial action, where appropriate. For more serious issues, a more formal enforcement approach may be required, which could include issuing a formal warning or infringement notice, public naming or prosecution.



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Important information for complainants

Tear off and keep this instruction sheet

Complaint Form: Incorporated Associations

Please ensure you read the following information before completing the attached Complaint Form.

Please note that it is not a function of the Department of Commerce to interpret rules of an association, to intervene in internal disputes or to provide legal advice. Normally breaches of the rules are matters to be addressed by members.

The Department will only investigate potential breaches of the *Associations Incorporation Act (1987)*.

Some tips for resolving disputes

It is important to:

- focus on the “common ground” ie what is in the best interests of the association;
- consider the amount of time that members/committee members volunteer - be realistic about time frames for your issues to be dealt with;
- avoid creating ill feeling between members;
- check your facts;
- decide whether your concerns relate to:
 - individual members;
 - the committee; or
 - how the association operates generally.
- know the requirements of the rules of the association and the Act as these may help you identify what the problem is and the best way to approach it, for example
 - is there a grievance process to address the manner in which members deal with one another?
 - is the issue that committee members might not be complying with the rules?
 - is the association acting in accordance with its obligations under the Act?

Please note:

Members of an association have a right to inspect the association’s rules and to take a copy.

Anyone can obtain a copy of any association’s rules from the Department of Commerce for a fee.

It is only the rules lodged with the Department of Commerce which are effective under the Act.

Some options if you have concerns

- Raise your concerns
 - informally with committee members; and/or
 - formally by writing to the committee.

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- Check the rules to see if they include any mediation or grievance processes;
- The individual or committee may agree to meet and discuss the problem in the presence of an independent third party agreed between you;
- Raise your concerns to the general membership by writing a letter to be tabled at the next general meeting;
- Some rules provide that a certain proportion of members can request a special general meeting be held or hold one if the committee doesn't convene a meeting within a certain time;
- Members can request to inspect and copy an incorporated association's register of members and then write to members about their concerns;
- Check whether other government agencies may be able to assist you eg Wageline, Office of Racing, Gaming & Liquor, or any funding body.
- If there has been a possible breach of the Act you can make a formal complaint to the Department of Commerce.
- You may wish to obtain legal advice. The Department of Commerce is unable to provide private legal advice to you.
- Sometimes members/creditors can apply to the Supreme Court to wind up an association – you should obtain private legal advice for this.

Some key provisions of the Act

- An up to date register of members and their postal or residential addresses must be maintained by the association and be available to members to inspect or copy, but not to remove, on request.
- The up to date rules of the association must be maintained by the association and be available to members to copy, but not to remove, on request.
- A record of the names and postal or residential addresses of office bearers and trustees (if any) must be maintained and be available to members to inspect or copy, but not to remove, on request.
- Annual general meetings are to be held each year within four months of the end of the association's financial year.
- Association accounts showing the financial position at the end of the previous financial year must be submitted to members at the annual general meeting.
- Accounting records must be kept which correctly record and explain the financial transactions and position of the association; enable true and fair accounts to be prepared and allow accounts to be conveniently and properly audited, if necessary. Note that the Act does not require these accounts to be audited.
- Addition and alteration of rules must be by special resolution only. This is defined under the Act as being required to be passed by a majority of no less than three-fourths of the members entitled to vote, at a general meeting which was convened in accordance with the association's rules.
- Members of the committee who have any direct or indirect pecuniary interest in a matter being considered by the committee must declare that interest and not take part in any deliberations or voting on that matter.
- Associations are not eligible to remain incorporated under the Act if they trade or secure pecuniary profit to members.
- Associations may be cancelled if they have been inoperative for the preceding 12 months or have fewer than 6 members.
- Associations incorporated since July 1988 must make provision in their rules for all of the items listed in Schedule 1 of the Act.

A copy of the Act and the Associations Incorporation Regulations can be purchased from the State Law Publisher, Ground Floor, 10 William Street, Perth, telephone 9321 7688. These publications can also be viewed on the State Law Publisher's website at www.slp.wa.gov.au

See Grievances and Disputes Chapter of the INC Guide at <http://www.commerce.wa.gov.au/associationsguide> for further information.