



AssociationsInfo

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



Associations 'INC' Guide

Consumer Protection is pleased to release its newly revised governance guide for incorporated associations. A free copy of the guide on compact disc is enclosed with this edition of the *AssociationsInfo* newsletter.

INC. A Guide for Incorporated Associations in Western Australia is a comprehensive operational document that builds on the research and consultation previously undertaken by the Gosnells Community Legal Centre in 2005.

The new Guide:

- provides information on the process of incorporation in Western Australia and highlights key legal provisions under the *Associations Incorporation Act 1987*;
- introduces the various aspects of managing an association, including conducting meetings, employing staff and engaging volunteers;
- is a reference for good governance practices; and
- includes links to other sources of relevant information.

Legal provisions include areas such as the powers of an incorporated association, how to develop a set of rules and the accounting obligations.

To assist associations perform their role effectively, the Guide provides information that includes the role of volunteers, procedures for resolving disputes, health and safety considerations, employment obligations and areas often overlooked, such as copyright law.

Consumer Protection has also created a new internet website –

www.docep.wa.gov.au/associationsguide, which contains a complete copy of the Guide for you to navigate online. The website also allows you to download a copy of the Guide as it appears on the enclosed compact disc.

We would appreciate your feedback about the revised Guide and the new website. Should you have any comments or suggestions, please feel free to contact the Associations line on **9282 0764** or **1300 30 40 74** or email: online@docep.wa.gov.au

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We Hear That....

There appears to be confusion regarding the Annexure Statement that is required on some documents lodged with this office.

The Associations Incorporation Regulations require that if there is insufficient space on a form to be lodged with this office, the information is to be attached to the form and endorsed with the following statement:

***“This is the annexure of ... pages marked A referred to in the Form... signed by me and dated .../.../...
.....(signature)”***

Please ensure the statement is made on the first page of the attachment (not on the form) and is signed and dated.

Did you know?

Did you know that Consumer Protection's Associations Registration Section aims to process 80 per cent of all applications within 30 days from date of receipt?

Some of the applications processed by the Section are:

- Applications for Incorporation;
- Notices of Special Resolution Altering the Rules (Constitution) of an Incorporated Association;
- Notices of Special Resolution to Voluntarily Wind Up an Association; and
- Requests for an extension of time to hold an annual general meeting.

To assist the Associations Registration Section process your documents in a timely manner, please ensure the following steps are completed before lodging your application:

- Check the Schedule of Fees for any applicable costs;
- Ensure documents are lodged in time;
- Complete the forms (if applicable) in full; and
- Attach all relevant information.

Please note that applications can only be processed once Consumer Protection has received all the applicable paperwork and fees. Furthermore, certain applications must be lodged with Consumer Protection within legislated time frames.

Consumer Protection has published several Information Sheets to assist committee members complete any of the above applications. Copies of the information Sheets are available to download from our website at www.docep.wa.gov.au/associations or they can be obtained by contacting the **Associations Registration Section** on **1300 30 40 74**.

Is your address up-to-date

To ensure you receive future newsletters from Consumer Protection, please keep your address details up to date. If they change, drop us a note with your correct details or telephone our friendly staff on **1300 30 40 74** and we can send you a form to complete.

Focus on education

The Associations Branch has again been on the road holding Info Sessions in Geraldton, Carnarvon, Exmouth, Karratha, South Hedland and Newman. Nearly 150 people attended the presentations, which were aimed at informing volunteers about their rights and obligations.

The attendance was an increase on the previous year, indicating support for the continuation of the program. It is proposed that seminars will be held in the South-West, Great Southern, Kimberley and Wheatbelt regions, as well as in the metropolitan area in 2008/09.

Please watch our website for details of future presentations. Invitation letters will be sent directly to associations located in those regions.

The Department has also made presentations in recent months at the Shire of Mukinbudin NEWROC conference, Southern Telecentres Regional Cluster, Probus Clubs Annual Information Day and to a group from the Boddington region.

If you would like the Department to make a presentation on the requirements and obligations of being incorporated under the Associations Incorporation Act and you are able to arrange a group representing at least 10 different incorporated associations, please contact us on **1300 30 40 74**.

Associations Incorporation Act Review – update

The review of the *Associations Incorporation Act (1987)*, which incorporates many non-profit groups in Western Australia, is entering its final stages. For those who missed our last newsletter, a summary of the progress to date is provided.

The Associations Incorporation Bill 2006 (known as the Green Bill) was tabled in Parliament in November 2006 for an extended period of time to allow for public comment. The Bill was not the Government's final position, but was a working draft of possible changes to the current Act based on feedback from stakeholders. Consideration was also given to similar laws in other states and territories, problems in administering the Act and changing community expectations.

Following the release of the Green Bill in 2006, more than 300 submissions about the proposed changes were received. The aim now is to develop a new law that considers the interests of all stakeholders and achieves a balance of fair regulation while ensuring incorporated associations in Western Australia retain their autonomy.

More recently, Consumer Protection has been undertaking a review of the Model Rules. The Model Rules provide a template for new incorporated associations, and can be adapted before they are lodged, so long as all the essential provisions are covered. The existing Model Rules may still be used until the review is completed.

On 30 May 2008, a forum was held that considered the suitability of the Model Rules. Thank you to those delegates who provided invaluable feedback at the forum.

For the latest news regarding the Review and the Model Rules Forum, please visit www.docep.wa.gov.au/agb

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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.