

FORM A4

Application for registration of an incorporated association by registrable corporation

Associations Incorporation Act 2009 (section 6)



1800 502 042 fairtrading.nsw.gov.au

Please read this information before completing this form.
This form can be completed in Adobe Reader and saved for your records.

When should this form be used?

This form should be used by a registrable corporation, being:

- a company limited by guarantee,
- a co-operative (without share capital), or
- an Aboriginal and Torres Strait Islander corporation, that has 5 or more members.

An incorporated association must have at least 5 members in order to be and remain registered.

This form **must** be completed by the first public officer of the proposed association.

What are the steps to registration by a registrable corporation?

A company, co-operative or Aboriginal and Torres Strait Islander corporation intending to transfer its incorporation to an incorporated association has to comply with the procedures set out in the *Corporations Act 2001*, the *Co-operatives National Law (NSW)* or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, as appropriate.

As part of the transfer process the company, co-operative or corporation will need to pass a special resolution authorising the application for registration and approving the objects and proposed constitution for the association. A special resolution required under the *Corporations Act 2001*, *Co-operatives National Law (NSW)* or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* for the transfer is sufficient for this purpose.

What information should be provided with this form?

The following information is required to process the application:

- a copy of the special resolution approving the making of the application for registration of the company, co-operative or body corporate as an incorporated association.
- A document (issued by the relevant regulatory authority under the law under which it is currently incorporated) declaring that the requirements of that law in relation to the transfer of its registration under that law to registration under some other law have been complied with.
- a copy of the corporation's financial statement for the financial year before the application is made
- a copy of the constitution for the proposed association – not necessary if the model constitution is to be adopted.

Proposed association name (part 1)

Set out the spelling of the name of the proposed association EXACTLY as you wish it to appear on the certificate of registration.

Please note that the name will appear on the certificate in CAPITAL letters.

The name **must** end in the word 'INCORPORATED' or the abbreviation 'INC'.

When choosing a name for an association it is important to appreciate Fair Trading may refuse to register a name in certain circumstances, including where:

- it closely resembles the name of an existing or former incorporated association and the public would likely be misled,
- it is the same as a registered business, company or co-operative name, unless it is the name of the transferring company or co-operative,
- it is considered to be offensive or undesirable, or
- if the name or words in the name are restricted by state of federal law. To reduce delay you should nominate up to 3 different names, in order of preference. The first available name will be registered. Before making this application, please read the webpage titled 'Naming your incorporated association' on www.fairtrading.nsw.gov.au.

Application details (part 2)

Set out the full name and registration number of the company, co-operative or corporation.

First public officer (part 3)

The public officer of the association must:

- be aged 18 years or more,
- reside in NSW,
- not be a bankrupt, and
- not be a mentally incapacitated person.

First official address (part 4)

The official address must be an address in NSW where:

- the person who is to be the association's first public officer can generally be found, and
- documents can be served on the association by post.

The official address CANNOT be a post office box.

For most associations the official address will also be the address where the register of committee members and other records of the association will be kept. The public officer must notify Fair Trading of a change in the official address within 28 days.

Association email address (part 5)

This is the main email address for the Association (e.g. the contact email that may be displayed on an association's website). The email address will appear on the public register.

Constitution (part 6)

Identify whether the proposed association will have the Fair Trading model constitution or its own constitution. Please attach own constitution. For information on the matters that must be addressed in the constitution please read the webpage titled 'About the Constitution' on www.fairtrading.nsw.gov.au.

Objects (part 7)

It is not necessary to complete this item if the objects are attached or included as part of the constitution.

An association that adopts the model constitution must set out or attach its objects to this form.

Principal Activity (part 8)

Tick **one** box that best describes the main activity of the association.

Financial details (part 9)

Financial year end - the association's financial year end is required to be set out in the association's constitution. If the association has adopted the model constitution, the financial year end is 30 June.

Source(s) of income - set out the major source(s) of the association's income.

Estimates of the income etc - the **estimated** income, expenditure, current assets and total assets and liabilities of the association and any trust of which the association will be the trustee during the first year of operation of the association. If the association is the trustee of more than one trust the relevant details for any additional trust should be provided on a separate sheet.

Gross receipts/total revenue - is the total revenue recorded in the corporation's income and expenditure statement or an estimate of the revenue a new association expects to earn in the first 12 months.

Current assets - are assets, other than real property or assets capable of depreciation, held by the entity at the end of the corporation's last financial year. Current assets include amounts held in financial institutions including bank accounts and term deposits, inventory and debtors.

Property held in trust for the proposed association - if a person is holding property (eg: land or vehicles) in trust on behalf of the proposed association attach details of the property and its approximate value. You should contact Registry and Accreditation for information concerning the transfer of property held on trust into the name of the association.

Declaration (part 11)

The declaration must be completed by the person nominated to be the first public officer of the association.

What happens when you lodge your application?

- The application will be reviewed. You will be notified in writing if further information is required.
- This form may be returned if:
 - it is not completed correctly, or
 - it does not have the necessary attachments, or
 - it is received without payment.
- If your application is approved, the association will be registered and you will receive a certificate of registration.
- If your application is refused, you will receive written notification of the reasons.
- If any change occurs in the information you have provided in your application, you must notify NSW Fair Trading as soon as possible.

How to lodge

- **By email** to registrylodgements@customerservice.nsw.gov.au ensuring a copy of the receipt of payment is attached.
- **By post** to Registry and Accreditation, PO Box 22, Bathurst NSW 2795, ensuring a copy of the receipt of payment is included.
- **In person** at any **Service NSW Centre**. Before visiting your nearest Service NSW Centre, please telephone 13 77 88 or visit www.service.nsw.gov.au/service-centre to confirm accepted payment methods prior to attending.

How to pay the lodgement fee

Pay by credit card or PayPal using the following link: www.fairtrading.nsw.gov.au/registrypayments

Step 1 - Click on the link or type the URL into your web browser.

Step 2 - Follow the instructions online to complete payment. (select 'Registry and Accreditation' as the agency)

Step 3 - You will receive a receipt upon payment.

Step 4 - Attach a copy of the receipt to the form.

Alternatively, if you intend to pay by cheque or money order this can be done in person at a Service NSW Centre accepting this form of payment. Please telephone 13 77 88 or visit www.service.nsw.gov.au/service-centre prior to attending, to confirm accepted payment methods.

Cheques or money orders should be made payable to NSW Fair Trading.

Not providing all required information and a copy of the receipt may result in delays in processing your application.

What if my application is refused?

- If you are dissatisfied with the decision made on your application, in the first instance, you may apply in writing to Fair Trading to have the decision reviewed.
- If you are dissatisfied with the outcome of the internal review you may apply to the NSW Civil and Administrative Tribunal for a review of the decision.

Contacting Registry and Accreditation

Telephone 1800 502 042

Mail Registry and Accreditation
PO Box 22
Bathurst NSW 2795

Website www.fairtrading.nsw.gov.au/associations-and-co-operatives/associations

Assistance

Telephone - 13 14 50

Ask for an interpreter in your language.

TTY - 133 677

Telephone service for the hearing impaired.

The above information is intended as a guide only and is included to assist you in completing and lodging this form. This page is not part of the form. If required, professional advice should be obtained regarding the matters dealt with in this form.

FORM A4

Application for registration of an incorporated association by registrable corporation

Associations Incorporation Act 2009 (section 6)

Registry use only

Updated June 2023

1800 502 042 fairtrading.nsw.gov.au

Please read the information before completing this form.
This form can be completed in Adobe Reader and saved for your records.

Fee (GST free)
If name is NOT reserved - \$199.00
If name is currently reserved - \$155.00

1. Proposed association name *(in order of preference)*

		Office use
1.	<input type="text"/>	INCORPORATED App / Rej
2.	<input type="text"/>	INCORPORATED App / Rej
3.	<input type="text"/>	INCORPORATED App / Rej

If insufficient space please attach details of proposed names.

If the name is reserved, please enter a current reservation number

2. Application details

This application for the registration of an incorporated association is made on behalf of:

☐ a company limited by guarantee registered under the *Corporations Act 2001*

Name

Registration number

OR

☐ a co-operative without share capital registered under the *Co-operatives National Law (NSW)*

Name

Registration number

OR

☐ an Aboriginal and Torres Strait Islander corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*

Name

Indigenous Corporation number

3. First public officer *(must reside in NSW)*

Title	Given name(s)	Family/Surname
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
Date of birth (DD/MM/YYYY)		
<input type="text"/>		
Contact number	Mobile number	
<input type="text"/>	<input type="text"/>	
<input type="checkbox"/> I currently reside within New South Wales		

4. First official address *(cannot be a Post Office box - see note 4)*

Address

Suburb

State

Postcode

5. Association email address

Email address

6. Constitution

The proposed constitution is

- ☐ Fair Trading model constitution (without modification) **OR**
☐ Own constitution (copy to be attached)

7. Objects

The objects must be a clear **detailed** explanation of the purpose of the organisation

8. Principal activity

The principal activity of the association is *(tick 1 box only)*

- | | | |
|---|--|--|
| <input type="checkbox"/> 1. Aged care/respite care/home care | <input type="checkbox"/> 5. Education/employment/training/research | <input type="checkbox"/> 9. Religious |
| <input type="checkbox"/> 2. Arts/culture/literary/heritage | <input type="checkbox"/> 6. Environment/horticulture/animal protection | <input type="checkbox"/> 10. Social services/community association |
| <input type="checkbox"/> 3. Business/professional association | <input type="checkbox"/> 7. Legal/civic/advocacy services | <input type="checkbox"/> 11. Sporting |
| <input type="checkbox"/> 4. Child care services | <input type="checkbox"/> 8. Personal interest/hobby group/social group | <input type="checkbox"/> 12. Other |

9. Financial details

The financial year end of the association will be / each year, as set out in the constitution
DD MM

(If the association has adopted the MODEL CONSTITUTION its financial year MUST be 30 JUNE)

The major sources of income of the association will be (tick one or more)

☐ Donations ☐ Fundraising ☐ Grants ☐ Member fees ☐ Other (provide details)

The income, assets, expenditure and liabilities of the association and of any trust of which the association will be the trustee during the associations first financial year are **estimated** to be

	Association	Trust
Gross receipts*/total revenue	\$	\$
Expenditure	\$	\$
Current assets*	\$	\$
Total assets (includes current assets)	\$	\$
Liabilities	\$	\$

* See attached notes for the definition of gross receipts/total revenue and current assets.

Amounts must be entered above.

Is a person holding any property (eg: land or vehicles) in trust or otherwise on behalf of the proposed association?

☐ Yes ☐ No

If Yes, please provide details.

10. Optional information (used for statistical purposes only)

Is the association specifically established for the benefit of (tick all that apply)

☐ Aboriginal and Torres Strait Islanders ☐ People with a disability
☐ People from cultural and linguistically diverse backgrounds ☐ Women

Checklist (tick boxes and ensure documents are attached)

- ☐ a copy of the special resolution approving the making of the application for registration of the company, co-operative or body corporate as an incorporated association,
- ☐ a document (issued by the relevant regulatory authority under the law under which it is currently incorporated) declaring that the requirements of that law in relation to the transfer of its registration under that law to registration under some other law have been complied with,
- ☐ a copy of the corporation's financial statement for the financial year before the application is made,
- ☐ a copy of the constitution for the proposed association - not necessary if the model constitution is to be adopted.

11. Declaration

I declare:

- I have been nominated to be the first public officer of the association,
- I am authorised to apply for registration of the above named association,
- the particulars within this application are true,
- if this application is approved the proposed association will have at least 5 members at the time of registration, and the proposed association has approved the adoption:
 - of the model constitution, OR
 - of the constitution attached to this application AND that constitution complies with the requirements of the *Associations Incorporation Act 2009*, including but not limited to providing for the matters referred to in Schedule 1 to the Act.

Signature

Date signed (DD/MM/YYYY)

This form is designed to be completed in Adobe Reader. A cross appearing in the digital signature field above may indicate a compatibility issue. If a cross appears please sign here

Printed name

12. Privacy statement

NSW Fair Trading, Department of Customer Service gives priority to protecting the privacy of your personal information. We do this by handling personal information in a responsible manner and in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act). Service NSW acts as a shopfront for us and performs transactions for you, on our behalf.

The personal information contained in your application is collected and held by NSW Fair Trading and Service NSW will collect and hold personal information on our behalf as part of the application process.

We are collecting your personal information for the following purposes:

1. For determining an application for registration of an incorporated association by registrable corporation in accordance with section 6 of *Associations Incorporation Act 2009* (AI Act).
2. Internal administrative purposes, including liaising with you in relation to your application.
3. We may use the information to support more informed policy making, program management, evaluation, research and service planning as it can facilitate more efficient service delivery for incorporated associations in NSW.
4. As required by legislation to record information on a public register, parts of which will be published online.

The consequence of not providing it is that your application may not be able to be determined. We may use the personal information contained in your application to confirm your details if you make any subsequent applications. We may also use it to administer/update our public register, including to send you information that we consider important such as information and updates regarding Incorporated Association's obligations under the AI Act.

We will store and manage your personal information in accordance with provisions under the PPIP Act.

If required, we may make enquiries and exchange information with other NSW government agencies (including the NSW Police Force), or other States, Territories and/or the Commonwealth for the purpose of assessing your application and for compliance purposes. We may disclose your personal information for these purposes.

We will not disclose your personal information to anybody else unless you have given consent, or we are authorised or permitted to do so by law. Our [Privacy Statement](#) describes when this may occur. You can find this information and our [Privacy Management Plan](#) on the Department of Customer Service website.

Please see the [Fair Trading Privacy Code of Practice](#) for more information about how we handle your personal information, how you can request access to or correct the personal information we hold about you (if the information is inaccurate, incomplete, not relevant or out of date) and who to contact if you have a privacy enquiry or complaint, or email brdprivacy@customerservice.nsw.gov.au.

For more information about how Service NSW handles personal information please visit www.service.nsw.gov.au/privacy.

Who should NSW Fair Trading contact if there is a query about this form?

Title	Given name(s)	Family/Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact number	Mobile number	
<input type="text"/>	<input type="text"/>	
Address		
<input type="text"/>		
Suburb	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>
Email address		
<input type="text"/>		

Payment details

Application fee:

If name is NOT reserved: \$199.00

If name is currently reserved: \$155.00

Pay by credit card or PayPal using the following link:

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Cheques or money orders should be made payable to NSW Fair Trading.

Receipt number