

FORM A10

Application for approval to transfer registration

Associations Incorporation Act 2009 (sections 78-80)



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 lodged?

This form must be lodged where an association intends to transfer its registration to a company under the *Corporations Act 2001*, a co-operative under the *Co-operatives National Law (NSW)* or an Aboriginal and Torres Strait Islander corporation under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

A company, co-operative or corporation registered as a result of a transfer is considered to be the same body as the association. The transfer does not affect the rights or obligations of the organisation.

It is important that the association undertaking this process registers as an existing body corporate and does not register as a new company, co-operative or Aboriginal and Torres Strait Islander corporation.

To transfer registration to a company ASIC Form 202 must be lodged. Contact Registry and Accreditation to obtain the correct form to transfer registration to a co-operative. Contact the Office of the Registrar of Indigenous Corporations for information on the requirements to transfer registration to an Aboriginal and Torres Strait Islander corporation.

Association details (part 1)

Please ensure the correct name and registration number of the association is included in this section.

Application details (part 2)

Tick the relevant box showing the section of the Corporations Act, the CNL, or the CATSI Act under which the association intends to be registered.

Set out the name under which the association intends to be registered.

Declaration (part 4)

The declaration on the reverse of the form **must** be completed by a person authorised by the committee.

Checklist

The association must ensure any outstanding annual summaries of financial affairs (Form A12-T1 or A12-T2) required to be lodged under section 45 or 49 of the *Associations Incorporation Act 2009* (as the case may be) for the 3 financial years before the application is made have been lodged.

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 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, you will receive a transfer declaration.
- 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.

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.



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(sections 78-80)

Registry use only

Updated June 2023

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Fee (GST free) - \$101.00

1. Association details

Name

INCORPORATED

Registration number (not ABN) INC or Y

2. Application details

The association applies to transfer its registration to registration under

☐

section 601BC of the *Corporations Act 2001 (Commonwealth)* by lodging ASIC Form 202 with ASIC **OR**

☐

section 31 of the *Co-operatives National Law (NSW)* **OR**

☐

section 21.1 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*

The name the association intends to adopt on transfer will be

3. Special Resolution

The special resolution that authorises the making of the Application for transfer of registration as per S78 (2) of the Act was passed on (DD/MM/YYYY)

Provide the exact wording of the special resolution passed at a general meeting of the members. If insufficient space please attach. (do **not** attach minutes of meetings)

4. 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 approval to transfer registration in accordance with ss 78-80 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.

FORM CONTINUES NEXT PAGE

4. Privacy statement *(continued)*

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.

5. Declaration

I declare:

- I am authorised by the committee to make this application on behalf of the association,
- the information set out in this form and any document attached to this form is true and correct,
- the association's creditors are not likely to be materially prejudiced by the transfer of registration,
- the legislation to which the association proposes to transfer adequately provides for the continuation of the association's legal identity after the transfer, and
- the entity to which the association intends to transfer is subject to rules or a constitution that prohibits a distribution of profits to that entity's members.

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

Position held

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: \$101.00

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Receipt number