

FORM A5

Certificate of public officer as to vesting of property

Associations Incorporation Act 2009 Schedule 2



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 should be completed by the public officer of the association where immediately before the association's incorporation property was vested in, or held by a person for or on behalf of:

- the unincorporated body that became the incorporated association, or
- any one of the 2 or more incorporated associations that have amalgamated to form the association. Once completed this form constitutes evidence concerning ownership of the property and may be provided to relevant authorities or entities as evidence of ownership.

Where the incorporated association wishes to record its details on the title of land with NSW Land Registry Services an additional certificate issued by Fair Trading (certificate as to identity of former body) is required. Please contact Registry and Accreditation if that certificate is required.

Certification and schedule *(parts 2 and 3)*

An unincorporated body is not able to hold property in its own name. To overcome this it is usual for a person or persons to hold the property on behalf of the unincorporated body.

When completing the certification it is important to correctly identify whether the property was vested in an association that amalgamated with another to form the association or whether the property was held on trust by a person for the body.

Include the details of each person who held the property on behalf of the former body, its members or for its objects. The property should be described so as to clearly identify the property that is the subject of the certification. In relation to land, the street address and DP and folio number should be set out wherever possible.

If there is insufficient room provided in any section the required information should be set out on a separate page.

Declaration *(part 4)*

The public officer is required to complete the statutory declaration confirming the accuracy of the information provided in the form.

The statutory declaration must be declared before a Solicitor or Justice of the Peace.

What happens when you lodge your form?

- The form 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.
- If your form is accepted for lodgement you will receive written confirmation.
- If your form is not accepted for lodgement, 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
- **By post** to Registry and Accreditation, PO Box 22, Bathurst NSW 2795.
- **In person** at any **Service NSW Centre**. For the address of your nearest Service NSW Centre please telephone 13 77 88 or visit www.service.nsw.gov.au/service-centre

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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Fee - Nil

1. Association details

Name

INCORPORATED

Registration number (not ABN) INC or Y

2. Certification

This is to certify that immediately before the incorporation of the above association under the *Associations Incorporation Act 2009*, the property described in the schedule below

☐ was vested in

Name

INCORPORATED

Registration number (not ABN) INC or Y

which was an incorporated association that amalgamated to form the above association

OR

☐ was held by

Full name

Address

Suburb

State

Postcode

AND

Full name

Address

Suburb

State

Postcode

AND

Full name

Address

Suburb

State

Postcode

AND

Full name

Address

Suburb

State

Postcode

on behalf of

the unincorporated body that became the above incorporated association, its members (in their capacity as members) or for its objects

3. Schedule

Description of property (Folio identifier and address) or assets (make, model and serial number)

4. Declaration

I
Full name

of
Residence

do solemnly and sincerely declare:

- I am the current public officer of the association,
- the information set out in this certificate is correct.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1900*.

Subscribed and declared by me at *(place)*

this

Signature of declarant

in the presence of an authorised witness, who states

I a
Name of authorised witness *Qualification of authorised witness (solicitor or justice of the peace)*

certify the following matters concerning the making of this statutory declaration by the person who made it (*cross out any text that does not apply)

1. * I saw the face of the person, **OR**

* I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, **AND**

2. * I have known the person for at least 12 months, **OR**

* I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was *(describe identification document relied on)*

Signature of authorised witness

Date signed (DD/MM/YYYY)

5. 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.

FORM CONTINUES NEXT PAGE

5. Privacy statement *(continued)*

We are collecting your personal information for the following purposes:

1. Receive and assess an association's application for a certificate of public officer as to vesting of property in accordance with Schedule 2 of the *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

Contact number

Mobile number

Address

Suburb

State

Postcode

Email address