

FORM A8

Application for voluntary cancellation of registration of an association

Associations Incorporation Act 2009 (section 72)



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 when an association wishes to voluntarily cancel its registration as an incorporated association.

Note - all debts and liabilities of the association must be paid before this form is lodged.

Associations that are unable to pay their debts are not able to apply for voluntary cancellation. If your association is unable to pay its debts the committee of the association should seek immediate advice from a solicitor or accountant in relation to their obligations under the Act.

What should we do before completing the form?

Read the information concerning voluntary cancellation available at www.fairtrading.nsw.gov.au.

Before completing this form the incorporated association should ensure:

- it has properly passed a special resolution to approve making the application to cancel its registration and approving the proposed distribution of its surplus assets,
- all of the debts and liabilities of the association have been paid,
- 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.

Distribution of assets

The Act sets out certain requirements regarding the distribution of surplus assets of an incorporated association including:

- the proposed distribution of any surplus assets **must** be approved by NSW Fair Trading **before** the assets are distributed,
- surplus assets cannot be distributed to or given for the benefit of any member or former member of the association or to any person to be held in trust for such member or former member,
- the distribution of surplus assets is subject to any trust affecting 'those' assets or any part of them,
- any asset supplied by a government department or public authority (including any unexpended portion of any grant) **must** be returned to the department or authority that supplied it or delivered to such person or body as that department or public authority directs.

Association details (part 1)

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

Special resolution (part 2)

The terms of the special resolution (motion) approved by the members of the association **must** be set out here. If there is insufficient room a copy of the special resolution must be attached to this form.

Do **not** attach minutes of meetings.

Surplus assets and proposed distribution (part 3 and 4)

Surplus assets are any property (including money held in bank accounts and cash) remaining after payment of the association's debts and liabilities.

A detailed list setting out a description of the surplus assets and their monetary values must be provided.

The list must specifically identify any surplus assets supplied by a government department or public authority and any assets held in trust by the association.

Details of the proposed organisations that will receive the association's surplus assets must be provided.

Current financial information (part 5)

The association's financial statement for the current financial year (start of the association's current financial year to date) must be attached.

Declaration (part 6)

A committee member is required to complete the declaration confirming they are authorised to make the application and to confirm the accuracy of the information provided.

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

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.
- If your application is approved, the association's registration will be cancelled and you will receive written confirmation.
- 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.

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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Registry use only

Updated June 2023

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Fee - NIL

1. Association details

Name

INCORPORATED

Registration number (not ABN) INC or Y

2. Special resolution

The special resolution (motion) approving the voluntary cancellation of association's registration and distribution of surplus assets 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*)

3. Surplus assets

Does the association have any surplus assets?

☐

Yes

☐

No

If 'Yes' set out the details below or attach a list of the surplus assets. (see attached notes for the information needed to be included)

4. Proposed distribution

Provide details below or attach a list of the proposed organisations that will receive the association's surplus assets.

5. Current financial information

☐

The association's financial statement for the current financial year (start of the association's current financial year to date) is attached.

☐

Annual summaries for previous 3 financial years have been submitted to Registry and Accreditation - or are attached.

6. Declaration

I declare:

- I am authorised by the committee to make the following statements.
 - the association has no outstanding debts or liabilities,
 - I am a current committee member of the association, and I am over the age of 18 years,
 - I am authorised by the committee of the association to make this application
 - the information set out in this application and in any document attached to this application is true and correct

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

7. 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. To process and determine your application to voluntary cancellation of registration of an association in accordance with section 72 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