



Incorporated associations are run by a committee of management appointed or elected by the membership. It is the role of the committee to ensure that an association meets its legal obligations and that any decisions made are in the best interests of the members, for the benefit of the association.

Understanding these responsibilities is important because people who are defined as committee members must ensure that the association complies with its obligations under the *Associations Incorporation Act 1987 (WA)* (“the Act”).

Meetings

Incorporated associations are member based organisations and generally run in a democratic manner. The way meetings are conducted can have a major effect on members’ perception of whether their interests are being considered.

More information about meeting procedures is detailed in the **Meetings** Chapter of the INC Guide available from www.commerce.wa.gov.au/associationsguide.

Annual General Meetings (AGM)

Except for its first Annual General Meeting, which can be held up to 18 months after incorporation, AGMs must be held once in every calendar year **within four months after the end of the association’s financial year**. If an association requires an extension of time to hold the AGM an application for permission must be approved by the department prior to the expiry of this four month period.

If enrolled for **AssociationsOnline**, an application for an extension of time to hold the AGM may be submitted electronically. For more information go to www.commerce.wa.gov.au/associationsguide. Alternatively, forms can be downloaded from the department’s website and submitted by post.

Record Keeping

At a minimum an incorporated association must make sure that the following records are kept:

- an up to date version of the rules (often called the constitution);
- an up to date record of office holders under the rules including all committee members, any trustees and those authorised to use the common seal;
- an up to date register of all members, including their residential or postal address; and
- accounting records which correctly record and explain the financial transactions and position of the association.

Financial accounts must be submitted to members at each AGM. These accounts must present the financial position of the association at the end of the previous financial year and generally should consist of a balance sheet of all assets and liabilities and a statement of income and expenditure.

The Act does not require accounts to be audited although this may be required by an association’s rules or funding bodies.

DEPARTMENT OF COMMERCE

Associations Section

Unit 4, 321 Selby Street Nth
Osborne Park WA 6017

Postal Address:

Locked Bag 14
Cloisters Square
Perth WA 6850

Associations Advice:

Telephone:

(08) 9282 0764

1300 30 40 74

(country callers – local call cost)

Fax:

(08) 9282 4337

Website:

www.commerce.wa.gov.au/associations

Email:

associations@commerce.wa.gov.au

Inc Guide:

www.commerce.wa.gov.au/associationsguide

AssociationsOnline:

www.commerce.wa.gov.au/associationsonline



There is no requirement under the Western Australian legislation for associations to submit annual returns to this department. It is important however, that associations maintain adequate records of their operations, particularly financial records. More information is detailed in **Record Keeping** chapter of the INC Guide.

Certificate of Incorporation

This is the Certificate issued when the association is first incorporated or if an association changes its name. It is important that the Certificate is kept in a safe place because it is evidence of the association's corporate status and can be required, for example, when applying for bank accounts or grants.

If the Certificate cannot be located, an association can apply to the department for a duplicate Certificate. This application may be submitted electronically using **AssociationsOnline** if you are an enrolled user. Alternatively, you can submit a request form by post.

Committee of Management

Those persons who have the power under the rules to manage the affairs of the association are the committee for the purposes of the Act. More information about these roles and responsibilities is detailed in **The Management Committee** chapter of the INC Guide.

The **Incorporated Associations Health Checklist** provides a summary of the main obligations of a committee under the Act. It is not intended to cover every aspect of association governance but broadly covers the more common aspects. Visit www.commerce.wa.gov.au/associations to download this checklist.

Rules (also known as the Constitution)

Every association must have its own set of rules which governs the way it operates. An association's rules must be accessible to all its members, who can copy or take extracts from the rules. The Act also requires that a copy of the rules be held by the department as the official version of the association's rules which can be purchased by the public for a fee.

An application for a copy of any association's rules can be made using **AssociationsOnline**. Simply search for the Association name and follow the prompts to submit your document request.

The department also has a number of resources available for developing and altering the rules of an incorporated association. If your association is planning to change its rules refer to:

- **Model Rules** – a set of rules that can be adopted outright or used in the development of your own document.
- **Altering the Rules** chapter of the INC Guide.

i Further Information

For more information about the topics in this fact sheet please refer to the relevant chapters of **INC: A Guide for Incorporated Associations in Western Australia** available from www.commerce.wa.gov.au/associationsguide.

If you have any queries:

- call **(08) 9282 0764** (1300 30 40 74 for country callers)
- send an email to associations@commerce.wa.gov.au

A copy of the Act as published by the State Law Publisher is available for download from www.slp.wa.gov.au.

This fact sheet contains general information that was current at the time of publication. If you have specific enquiries about matters relating to your situation then you are strongly urged to seek independent professional advice.