NSW GOVERNMENT Fair Trading
ABN 81 913 830 179

Application for registration of an amalgamated incorporated association

Associations Incorporation Act 2009 (section 6)

Form A3

Updated Jul 2018

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 where 2 or more existing incorporated associations intend to amalgamate to form one incorporated association.

NOTE: The amalgamated 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 should we do before completing the form?

Read the fact sheet on amalgamation at www.fairtrading.nsw.gov.au and ensure each incorporated association has completed the following steps:

* determine the basis under which the associations will amalgamate, including the objects, constitution, committee and first public officer, as well as the structure and operations of the proposed amalgamated association,
* ensure each association has passed a special resolution authorising the application for registration of the amalgamated incorporated association and approving the objects and proposed constitution of the association.

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, unless it is the same as one of the amalgamating associations,
* it is the same as a registered business, company or co-operative name,
* it is considered to be offensive or undesirable, or
* if the name or words in the name are restricted by state or 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 fact sheet titled 'Naming your incorporated association' on www.fairtrading.nsw.gov.au

Amalgamating association details (part 2)

Set out the details of each of the incorporated associations that propose to amalgamate. If there are more than two associations, list the details of the other associations on a separate page.

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 NSW Fair Trading of a change in the official address within 28 days.

Constitution (part 5)

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

Objects (part 6)

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 7)

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

Financial details (part 8)

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.

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

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

Financial details (part 8) cont:

Property held in trust for the proposed association - if a person is holding property in trust on behalf of the proposed association attach details of the property and its approximate value. You should contact Registry Services for information concerning the transfer of property held on trust into the name of the association.

Declaration (part 5)

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

A3 Supplement

A separate A3 Supplement form **must** be completed for each of the amalgamating associations.

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.

Declaration (part 4) - The declaration on the reverse of the form **must** be completed by the respective public officer of each of the amalgamating associations.

How to lodge and pay

* **By email** to registrylodgements@finance.nsw.gov.au.
* **By post** to Registry Services, 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.
* **The application fee must be paid at the time of lodgement.** There is no GST payable.
* Payment can be made by:
  * cheque or money order made payable to NSW Fair Trading, or
  * credit card by completing the payment details on last page. When paying by credit card a surcharge of 0.40% will be charged on the total amount due.
* Receipts will only be issued on request.

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 the registration of the amalgamating associations will be cancelled. You will receive a certificate of registration for the new amalgamated incorporated association.
* 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 the Registry

Telephone	(02) 6333 1400 or 1800 502 042
Mail	Registry Services PO Box 22 Bathurst NSW 2795
Email	registryinquiries@finance.nsw.gov.au
Website	www.fairtrading.nsw.gov.au

Language assistance

Telephone - 13 14 50
Ask for an interpreter in your language.

TTY - 1300 723 404
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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Form A3

Registry use only

Updated Jul 2018

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Fee - $133.00 if name is currently reserved
Fee - $170.00 if name is NOT reserved

1. PROPOSED ASSOCIATION NAME *(in order of preference)*

Office use

1. _____ INCORPORATED App / Rej

2. _____ INCORPORATED App / Rej

3. _____ INCORPORATED App / Rej

IF INSUFFICIENT SPACE PLEASE ATTACH DETAILS OF PROPOSED NAMES

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

2. AMALGAMATING ASSOCIATION DETAILS

Name _____ INCORPORATED

Registration number *(not ABN)* INC or Y ☐☐☐☐☐☐☐☐

AND

Name _____ INCORPORATED

Registration number *(not ABN)* INC or Y ☐☐☐☐☐☐☐☐

3. FIRST PUBLIC OFFICER *(must reside in NSW)*

Surname _____ Title ☐ Date of birth _____ (DD MM YYYY)

Given name(s) _____ Daytime phone _____

☐ I currently reside within New South Wales

4. FIRST OFFICIAL ADDRESS *(cannot be a Post Office box - see note 4)*

Street address _____

Town/suburb _____ State NSW Postcode _____

Email _____

5. CONSTITUTION

The proposed constitution is

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

6. OBJECTS

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

7. PRINCIPAL ACTIVITY

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

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

8. FINANCIAL DETAILS

The financial year end of the association will be [ ] (DD) [ ] (MM) each year, as set out in the constitution

(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)*

☐ Member fees ☐ Grants ☐ Donations ☐ Fundraising

☐ Other *(provide details)* [ ]

The income, assets, expenditure and liabilities of the amalgamated 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 reveunue and current assets.** **Amounts must be entered above.**

Is a person holding any property in trust or otherwise on behalf of the proposed association? ☐ Yes ☐ No

9. THE FOLLOWING INFORMATION IS OPTIONAL AND IS 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

10. DECLARATION AND PRIVACY ACKNOWLEDGEMENT

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.

I acknowledge:

* NSW Fair Trading is collecting and holding information (including personal information) supplied in this form for the purposes of the *Associations Incorporation Act 2009* and in particular, inclusion in a register maintained under that Act which is open to public inspection,
* NSW Fair Trading may disclose personal information to persons or bodies and to receive information from them in respect of purpose(s) related to the association's incorporation and activities, and
* I have a right to seek access to and correction of the personal information supplied/collected from me.

Signature [ ] Date signed [ ] (DD MM YYYY)

Printed name [ ]

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

This information will be available to the public

Surname		Given name(s)	
Title		Daytime telephone	
Address			
Town/suburb		State	Postcode
Email			

CHECKLIST *(tick boxes and ensure documents are attached)*

- ☐ a copy of the special resolution (A3 Supplement) approving the amalgamation for each amalgamating association
- ☐ a copy of your constitution - not necessary if the model constitution is to be adopted
- ☐ the original certificate of incorporation for each of the associations proposing to amalgamate or statutory declaration as to its loss or destruction
- ☐ any outstanding annual summary of financial affairs (Form A12) required to be lodged under section 45 or 49 of the *Associations Incorporation Act 2009* (as the case may be) for any of the amalgamating associations for the 3 financial years before the application is made

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A3 Supplement

Registry use only
AFFIX DOCUMENT BARCODE LABEL HERE

Special resolution approving amalgamation

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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 amalgamation of the above association with the following association was passed on _____ (DD MM YYYY)

Name _____ INCORPORATED

Registration number *(not ABN)* INC or Y _____

The wording of the special resolution (motion) is set out below, or is attached

10. DECLARATION AND PRIVACY ACKNOWLEDGEMENT

I declare:

* I am the public officer of the first named association,
* the particulars within this application are true.

I acknowledge:

* NSW Fair Trading is collecting and holding information (including personal information) supplied in this form for the purposes of the *Associations Incorporation Act 2009* and in particular, inclusion in a register maintained under that Act which is open to public inspection,
* NSW Fair Trading may disclose personal information to persons or bodies and to receive information from them in respect of purpose(s) related to the association's incorporation and activities, and
* I have a right to seek access to and correction of the personal information supplied/collected from me.

Signature _____ Date signed _____ (DD MM YYYY)

Printed name _____

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

This information will be available to the public

Surname _____ Given name(s) _____

Title _____ Daytime telephone _____

Address _____

Town/suburb _____ State _____ Postcode _____

Email _____

Note: Each of the incorporated associations intending to amalgamate must lodge a copy of this document with Form A3.

THIS PAGE DOES NOT CONSTITUTE PART OF THE FORM AND WILL NOT BE PLACED ON THE PUBLIC REGISTER.

Credit card details

ONLY VISA & MASTERCARD CAN BE ACCEPTED

Please note that when paying by credit card a surcharge of 0.40% will be charged on the total amount due.

I the undersigned authorise NSW Fair Trading to deduct $170.00* plus surcharge from my credit card

Name on card

Expiry date / (MM / YYYY)

Cardholder signature

Date signed (DD / MM / YYYY)

Daytime telephone number of card holder

(For added security all information below the line is destroyed upon completion of processing)

Card no -- -- --

* If a reservation fee of $51.00 has already been paid, you will only be charged $133.00 for this application.