

TASMANIA

---

**ASSOCIATIONS INCORPORATION  
REGULATIONS 2017**

**STATUTORY RULES 2017, No. 71**

---

**CONTENTS**

**PART 1 – PRELIMINARY**

1. Short title
2. Commencement
3. Interpretation

**PART 2 – DOCUMENTS**

4. Lodgment of documents
5. Preparation of documents
6. Prescribed bodies corporate
7. Certificates of incorporation of associations
8. Applications to change name of incorporated associations
9. Matters specified in memorials or notices under section 13(2) of Act
10. Notices of alteration of rules, objects, &c., of incorporated associations
11. Notices of passing of special resolutions
12. Applications for incorporation of associations under Act

**PART 3 – MISCELLANEOUS**

13. Fees and penalties

**SCHEDULE 1 – FORMS**

**SCHEDULE 2 – FEES**

## **ASSOCIATIONS INCORPORATION REGULATIONS 2017**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Associations Incorporation Act 1964*.

Dated 30 October 2017.

C. WARNER  
Governor

By Her Excellency's Command,

GUY BARNETT  
Minister for Building and Construction

### **PART 1 – PRELIMINARY**

#### **1. Short title**

These regulations may be cited as the *Associations Incorporation Regulations 2017*.

#### **2. Commencement**

These regulations take effect on 28 November 2017.

*Associations Incorporation Regulations 2017*  
*Statutory Rules 2017, No. 71*

r. 3

**Part 1 – Preliminary**

---

**3. Interpretation**

(1) In these regulations –

*Act* means the *Associations Incorporation Act 1964*;

*document* means a form set out in Schedule 1;

*Registry* has the same meaning as in the *Registration of Deeds Act 1935*.

(2) In these regulations, a reference to a form by number is a reference to the form so numbered in Schedule 1.

## **PART 2 – DOCUMENTS**

### **4. Lodgment of documents**

A document is taken to be lodged with the Commissioner for the purposes of the Act if it is –

- (a) given to the Commissioner; or
- (b) left at the office of the Commissioner with a person employed in that office; or
- (c) sent by post to the office of the Commissioner; or
- (d) emailed to the Commissioner’s email address.

### **5. Preparation of documents**

- (1) A document required by the Act to be lodged with the Commissioner must –
  - (a) be in A4 format; and
  - (b) not be altered in any way; and
  - (c) be legible.
- (2) The Commissioner may refuse to accept a document that, in the Commissioner’s opinion, does not comply with subregulation (1).

**6. Prescribed bodies corporate**

For the purposes of the definition of *prescribed body corporate* in section 2(1) of the Act, each Aboriginal and Torres Strait Islander corporation, within the meaning of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* of the Commonwealth, is prescribed.

**7. Certificates of incorporation of associations**

For section 8(1) of the Act, the prescribed form is Form 1.

**8. Applications to change name of incorporated associations**

- (1) For section 10(2)(a) of the Act, the prescribed Form is Form 2.
- (2) For section 10(2)(b) of the Act, the prescribed verification is –
  - (a) the signature of the public officer of the association on Form 2; and
  - (b) the seal of the association on Form 2; and
  - (c) the setting out of the special resolution of the association on Form 2 or by the annexure of the special resolution to that Form.
- (3) For section 10(2)(c) of the Act, the prescribed period is one month after the date of the meeting

at which the special resolution for the change of the name was passed.

**9. Matters specified in memorials or notices under section 13(2) of Act**

- (1) For section 13(2) of the Act, the following particulars and matters are prescribed:
  - (a) in the case of land –
    - (i) if the land is shown on a sealed plan as defined in Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, a reference to that sealed plan; or
    - (ii) if the land is not shown on such a sealed plan, a description of the land by metes and bounds;
  - (b) the full name of the association in which the land or interest in the land is to be vested;
  - (c) details of the nature of the interest in the land that is to be vested in the association;
  - (d) the full name of each person who appears from the Registry to hold the land or interest in the land;
  - (e) a statement that, upon the registration of the memorial, the land or interest in the land becomes vested in the association

*Associations Incorporation Regulations 2017*  
*Statutory Rules 2017, No. 71*

r. 10

Part 2 – Documents

---

by virtue of the operation of section 13 of the Act.

- (2) For section 13(3) of the Act, the following particulars and matters are prescribed:
- (a) the volume and folio number of the certificate of title to the land to which the notice relates;
  - (b) the full name of the association in which the land or interest in the land is to be vested;
  - (c) details of the nature of the interest in the land that is to be vested in the association;
  - (d) the full name of each person who appears from the certificate of title to hold the land or interest in the land;
  - (e) a statement that, upon entry of the land or interest in the land on the certificate of title of the memorial, the land or interest in the land becomes vested in the association by virtue of the operation of section 13 of the Act.

**10. Notices of alteration of rules, objects, &c., of incorporated associations**

For section 18(2) of the Act, the prescribed form is Form 2.



**11. Notices of passing of special resolutions**

- (1) For section 23(3) of the Act, the prescribed form is Form 2.
- (2) For section 25(2) of the Act, the prescribed form is Form 3.

**12. Applications for incorporation of associations under Act**

For section 25A(3)(c) of the Act, the following particulars are prescribed:

- (a) evidence of the incorporation, formation or registration of the company;
- (b) details of any trust relating to the company;
- (c) a copy of any deed or other instrument creating or embodying any trust referred to in paragraph (b).

*Associations Incorporation Regulations 2017*  
*Statutory Rules 2017, No. 71*

**r. 13**

Part 3 – Miscellaneous

---

**PART 3 – MISCELLANEOUS**

**13. Fees and penalties**

A fee or penalty specified in Column 4 of Schedule 2 is prescribed for the purposes of the section of the Act specified, opposite the fee, in Column 2 of that Schedule.

**SCHEDULE 1 – FORMS**

Regulation 3(2)

**Form 1 – Certificate of Incorporation of Association**

Regulation 7

*Associations Incorporation Act 1964*

**CERTIFICATE OF INCORPORATION OF ASSOCIATION**

I, (full name) .....

the Commissioner for Corporate Affairs for the State of Tasmania, under section 8 of the *Associations Incorporation Act 1964*, certify that:

(full name of association) .....  
.....

has this day been incorporated under that Act.

Date: .....

Signature of Commissioner for Corporate Affairs:

.....

*Associations Incorporation Regulations 2017*  
*Statutory Rules 2017, No. 71*

**sch. 1**

---

**Form 2 – Notice of Special Resolution**

Regulation 8(1) and (2), 10 and 11(1)

*Associations Incorporation Act 1964*

**NOTICE OF SPECIAL RESOLUTION**

(Full name of association) .....  
..... Incorporated.

To the Commissioner for Corporate Affairs.

At a general meeting of the members of the association convened and held on the ..... day of ..... 20 ..... the special resolution set out *\*below/\**in the annexure marked "A" was passed.

Date: .....

Signature of public officer: .....

Seal of association

*\*Delete if inapplicable.*

*Associations Incorporation Regulations 2017*  
*Statutory Rules 2017, No. 71*

sch. 1

---

**Form 3 – Notice of Passing of Special Resolution for Amalgamation**  
**Regulation 11(2)**

*Associations Incorporation Act 1964*

**NOTICE OF PASSING OF SPECIAL RESOLUTION FOR  
AMALGAMATION**

(Full name of association) .....  
..... Incorporated.

To the Commissioner for Corporate Affairs.

At a general meeting of the members of the association convened and held on the ..... day of ..... 20 ..... a special resolution for the amalgamation of that association with † ..... ‡ [and .....] was passed.

The name of the association to be created by the amalgamation is § .....

*Associations Incorporation Regulations 2017*  
*Statutory Rules 2017, No. 71*

**sch. 1**

---

You are requested to –

- (a) register that resolution; and
- (b) issue a certificate of incorporation of the association created by the amalgamation under the name of  
§ .....

Date: .....

Signature of public officer: .....

Seal of association

**DIRECTIONS**

† Here insert name/s of the other association/s with which the association is being amalgamated.

‡ If only 2 associations are being amalgamated, leave out the words in square brackets.

§ Here insert proposed name of amalgamated association.

*Associations Incorporation Regulations 2017*  
*Statutory Rules 2017, No. 71*

sch. 2

**SCHEDULE 2 – FEES**

Regulation 13

Column 1 Item	Column 2 Section of Act	Column 3 Matter for which fee is payable	Column 4 Fee Units
1.	Section 7(2)(c)	Application for incorporation of association	100
2.	Section 8(1A)(a)	Granting of certificate of incorporation	2
3.	Section 24B(2)	Lodgment of annual return within 6 months after end of financial year	40
4.	Section 24B(3)	Late lodgment of annual return	
		(a) if lodged between 6 and 7 months after end of financial year	45
		(b) if lodged more than 7 months after end of financial year	55
5.	Section 25A(3)(d)	Application to bring company under Act	100
6.	Section 37(2)(ac)	Perusal of documents by Commissioner	2
7.	Section 29(b)	Issue of copy of, or extract from, document lodged under Act	
		Each sheet	1

*Associations Incorporation Regulations 2017*  
*Statutory Rules 2017, No. 71*

---

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 8 November 2017.

These regulations are administered in the Department of Justice.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations –

- (a) specify certain requirements in relation to documents under the *Associations Incorporation Act 1964* and certain fees and penalties payable in relation to matters under that Act; and
- (b) are made consequentially on the repeal of the *Associations Incorporation Regulations 2007* under section 11 of the *Subordinate Legislation Act 1992*.