

Version No. 001
**Associations Incorporation (Fees and Other
Matters) Interim Regulations 2009**

S.R. No. 113/2009

Version as at 29 September 2009

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**Associations Incorporation (Fees and Other
Matters) Interim Regulations 2009**

S.R. No. 113/2009

Version as at 29 September 2009

1 Objectives

The objectives of these Regulations are—

- (a) to make provision for the winding up and cancellation of certain incorporated associations;
- (b) to prescribe fees payable under the **Associations Incorporation Act 1981**;
- (c) to prescribe maximum fines which can be imposed by an incorporated association on its members.

2 Authorising provision

These Regulations are made under section 54 of the **Associations Incorporation Act 1981**.

3 Commencement

- (1) These Regulations (except regulation 8) come into operation on the day these Regulations are made.
- (2) Regulation 8 comes into operation on 17 February 2010.

4 Security to be given by liquidator

For the purposes of section 36B(5) of the Act, the security a liquidator must give is \$50 000 in the form of—

- (a) cash;
- (b) a cheque drawn on a financial institution;

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- (c) a certificate of deposit issued by a financial institution;
- (d) a debenture or security that is guaranteed by the Government of a State or Territory or by the Government of the Commonwealth; or
- (e) a surety issued by a financial institution or a body corporate authorised to carry on insurance business under the Insurance Act 1973 of the Commonwealth.

5 Fees

For the purposes of the section of the Act specified in column 2 of the Schedule, the prescribed fee is the amount specified opposite in column 4 of the Schedule.

6 Fines

The committee of an incorporated association may determine to impose on a member of the association who has committed a breach of the rules of the association a fine not exceeding \$500, payable to the incorporated association.

7 Amendment of Associations Incorporation Regulations 2009

In rule 7(1) of the model rules in Schedule 4 to the Associations Incorporation Regulations 2009¹—

- (a) in paragraph (b) for "Association."
substitute "Association; or";
- (b) after paragraph (b) **insert**—
"(c) fine that member an amount not exceeding \$500."

**8 Revocation of amendment of Associations
Incorporation Regulations 2009**

In rule 7(1) of the model rules in Schedule 4 to the
Associations Incorporation Regulations 2009—

- (a) in paragraph (b) for "Association; or"
substitute "Association.";
- (b) paragraph (c) is **revoked**.

9 Expiry

These Regulations expire on 18 February 2010.

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SCHEDULE

Regulation 5

FEES TO BE PAID TO THE REGISTRAR

| <i>Item</i> | <i>Section of the Act</i> | <i>Type of fee</i> | <i>Amount</i> |
|-------------|---------------------------|---|---|
| 1 | 5 | Application for incorporation of proposed association lodged by electronic transmission | 2.5 fee units if association adopts the model rules 7.5 fee units if association adopts rules other than the model rules |
| 2 | 5 | Application for incorporation of proposed association lodged manually | 5 fee units if association adopts the model rules 10 fee units if association adopts rules other than the model rules |
| 3 | 9(2) | Application to the Registrar to make recordings in the Register in relation to the vesting of land in an incorporated association | 10 fee units |
| 4 | 10 | Application to bring companies etc. under the Act | 10 fee units |
| 5 | 13 | Application for approval to change the name of an incorporated association | 3 fee units |
| 6 | 22 | Application for approval to alter the statement of purposes or rules | 3.5 fee units if the application is lodged by electronic transmission 6 fee units if the application is lodged manually |

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| <i>Item</i> | <i>Section of the Act</i> | <i>Type of fee</i> | <i>Amount</i> |
|-------------|---------------------------|--|--|
| 7 | 30(4) | Lodgment of annual statement by public officer | 3.5 fee units |
| 8 | 30(5) | Application for extension of time for holding a general meeting or giving an annual statement under section 30(4) | 2 fee units |
| 9 | 30B(4) | Application for exemption from audit requirements | 6 fee units |
| 10 | 31(3) | Application by two or more incorporated associations to be incorporated as an amalgamated incorporated association | 10 fee units |
| 11 | 33A | Lodgment of notice of special resolution relating to the distribution of assets on voluntary winding up | 6 fee units |
| 12 | 40(1)(a) | Inspection of the register | 1 fee unit for first page and \$2 per subsequent page to a maximum of 5 fee units (for all pages inspected) 1.5 fee units per document if provided electronically |
| 13 | 40(1)(b) | Inspection of prescribed documents or documents of a prescribed class kept by the Registrar | 1 fee unit for first page and \$2 per subsequent page to a maximum of 5 fee units (for all pages inspected) 1.5 fee units per document if provided electronically |

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| <i>Item</i> | <i>Section of the Act</i> | <i>Type of fee</i> | <i>Amount</i> |
|-------------|---------------------------|--|---|
| 14 | 40(1)(c) | For the provision of a certified copy of a document that a person may inspect under section 40(1)(b) | 1 fee unit for first page and \$2 per subsequent page to a maximum of 5 fee units (for all pages provided) |
| 15 | 40(1)(d) | For the provision of a copy of a document that a person may inspect under section 40(1)(b) | 1 fee unit for first page and \$2 per subsequent page to a maximum of 5 fee units (for all pages provided) 1.5 fee units per document if provided electronically |
| 16 | 40(1)(d) | For the provision of a copy of a document that a person may inspect under section 40(1)(b) containing particulars of one incorporated association | 1.2 fee units |
| 17 | 40A | For the provision of a certified duplicate of a certificate of incorporation | 1.5 fee units |
| 18 | 54 | (a) For the provision of an electronic copy of a document held by the Registrar— (i) containing a report of all associations incorporated in the past 12 months | 7.5 fee units |

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| <i>Item</i> | <i>Section of the Act</i> | <i>Type of fee</i> | <i>Amount</i> |
|-------------|-------------------------------|--|--|
| | | (ii) for each earlier year in addition to the report in subparagraph (i) | 2.5 fee units to a maximum of 12.5 fee units (for all copies provided) |
| | | (b) For provision of the copy on computer disk | 2.5 fee units for each disk |

ENDNOTES

1. General Information

The Associations Incorporation (Fees and Other Matters) Interim Regulations 2009, S.R. No. 113/2009 were made on 29 September 2009 by the Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council under section 54 of the **Associations Incorporation Act 1981**, No. 9713/1981 and came into operation as follows:

Regulations 1 to 7, 9 and Schedule on 29 September 2009: regulation 3(1);
regulation 8 on 17 February 2010: regulation 3(2).

The Associations Incorporation (Fees and Other Matters) Interim Regulations 2009 will expire on 18 February 2010: regulation 9.

2. Table of Amendments

There are no amendments made to the Associations Incorporation (Fees and Other Matters) Interim Regulations 2009 by statutory rules, subordinate instruments and Acts.

Endnotes

3. Explanatory Details

¹ Reg. 7: S.R. No. 85/2009.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2009 is \$11.69. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.