

LEGISLATIVE ASSEMBLY

ASSOCIATIONS INCORPORATION REFORM BILL 2011

(Amendments to be moved by Mr O'Brien)

1. Clause 5, lines 7 to 12, omit all words and expressions on these lines and insert—
 - "(a) authorise a person who is at least 18 years of age and is resident in Australia to apply to the Registrar for the incorporation of the association; and".
2. Clause 6, after line 10 insert—
 - "() A person who is authorised under section 5(1)(a) to apply to the Registrar for the incorporation of an association may do anything necessary to secure the incorporation of the association under this Act despite anything to the contrary contained in the rules of the association."
3. Clause 8, line 26, after "registration" insert "and assign to the association a unique registration number".
4. Clause 17, line 23, omit "to be incorporated" and insert "the incorporation of the associations".
5. Clause 17, page 20, line 2, omit "to be incorporated" and insert "the incorporation of the associations".
6. Clause 18, page 21, after line 4 insert—
 - "(c) the particulars of any trusts relating to the incorporated associations applying for amalgamation and a copy of any deed or other instrument creating or embodying those trusts; and".
7. Clause 21, line 28, after "contract" insert "(including a contract of employment)".
8. Clause 27, page 28, after line 5 insert—
 - "() If the Registrar cancels the registration of the name of an incorporated association under subsection (3), the registration number of the association is taken to be its name until a new name of the association is registered under section 25."
9. Clause 29, after line 9 insert—

"Note

Section 51 states who the members of an incorporated association are on its registration under this Act."
10. Clause 29, lines 20 and 21, omit "and that are necessary or expedient".

11. Clause 47, lines 19 and 20, omit all words and expressions on these lines and insert—
- "(a) each of the matters specified in Schedule 1 to the extent the matter is applicable to the association; and
- Note**
- Schedule 1 specifies a number of matters which apply only in certain circumstances. See items 3, 4, 7, 12 and 16 of Schedule 1."
12. Clause 48, page 41, lines 9 to 13, omit all words and expressions on these lines and insert—
- "(3) If the rules of an incorporated association do not make provision for a matter as required by section 47(2), the model rules, to the extent that they make provision for that matter, are taken to be included in the rules of the association."
13. Clause 59, after line 26 insert—
- "() If the secretary refuses the request, the secretary must not release the personal information without the consent of the person unless—
 - (a) at least 28 days have elapsed since the secretary gave notice to the person under subsection (5); and
 - (b) either—
 - (i) the person has not sought a review of the decision; or
 - (ii) VCAT has upheld the secretary's decision to release the information."
14. Clause 59, after line 31 insert—
- "() If—
 - (a) a member of an incorporated association informs the secretary of the association that he or she wishes to circulate material to all members of the association relating to its management, activities or purposes; and
 - (b) access to the personal information of another member recorded on the register of members of the association is restricted under this section—the secretary must forward that material to that other member."
15. Clause 74, after line 24 insert—
- "() This section does not apply to the first secretary of an incorporated association referred to in section 72."

16. Clause 78, page 63, after line 6 insert—
 - "Note
 - The term *insolvent under administration* is defined in section 38 of the **Interpretation of Legislation Act 1984**."
17. Clause 80, line 28 after "section" insert "and the member has complied with section 81(1)".
18. Clause 80, page 65, after line 2 insert—
 - "() A disclosure of a material personal interest required by subsection (1) or (2) must give details of—
 - (a) the nature and extent of the interest; and
 - (b) the relation of the interest to the activities of the incorporated association.
 - () The details referred to in subsection (5) must be recorded in the minutes of the committee meeting at which the material personal interest is disclosed."
19. Clause 87, lines 18 to 19, omit "on behalf of the association".
20. Clause 90, page 75, line 13, omit "(excluding any income received as capital)".
21. Clause 101, line 27, omit "statement" and insert "statements".
22. Clause 102, lines 4 and 5, omit "in the approved form and".
23. Clause 102, line 24, after "must" insert "be attached to an annual statement in the approved form and".
24. Clause 118, lines 15 and 16, omit all words and expressions on these lines and insert—
 - "(ii) the committee of the association; or
 - (iii) a member of the committee or the secretary of the association; or
 - (iv) the members of the association."
25. Clause 142, line 18, after "section 140" insert "that has not been distributed, sold or disposed of under that section".
26. Clause 194, lines 21 and 22, omit "restricted personal information" and insert "a person's restricted personal information without the consent of the person"
27. Clause 221, lines 30 and 31, omit ", statutory manager or administrator" and insert "or statutory manager".

AMENDMENT OF SCHEDULE

28. Schedule 5, page 192, line 22, after "**Associations**" insert "**Incorporation**".