



INCORPORATED ASSOCIATIONS SELF CHECK

The following assessment will help your Committee of Management identify areas of non-compliance with the *Associations Incorporation Act 2015*. **This form is not required to be lodged with Consumer Protection.**

ANNUAL GENERAL MEETING (AGM)

Requirement	Complied	Guidance notes
An AGM must be held every year within six months after the end of the association's financial year (section 50 of the Act).	<input type="checkbox"/> Yes <input type="checkbox"/> No	The association sets its own financial year which is included in the rules. An application for an extension should be submitted to Consumer Protection if the AGM cannot be held within the 6 months.
A notice regarding the AGM has been sent to all members in accordance with rules (commonly called a constitution).	<input type="checkbox"/> Yes <input type="checkbox"/> No	All members are entitled to receive notice of any general meeting.
Quorum present at the AGM.	<input type="checkbox"/> Yes <input type="checkbox"/> No	The meeting will not be considered to have been held if there is no quorum present.
RESOURCE: INC Guide: Meetings		

ACCOUNTING RECORDS AND REPORTING

NOTE: The reporting requirements of an association will depend on its total annual revenue.

Tier 1: revenue up to \$250,000

Tier 2: \$250,000 to \$1 million

Tier 3: over \$1 million

Requirement of the Act	Complied	Guidance notes
Accurate accounting records kept (s66).	<input type="checkbox"/> Yes <input type="checkbox"/> No	The financial accounts must record and explain their transactions, position and performance.
Annual accounts are prepared within 6 months after the end of the association's financial year (s68, 71, 74)	<input type="checkbox"/> Yes <input type="checkbox"/> No	The accounts should give a true and fair view of the association's position and financial performance for the financial year.
Accounts prepared in accordance with the requirements of association's Tier (s68, 71, 74)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Tier 1: income and expense report and statement of financial position (balance sheet). Tier 2 and 3: financial statements, notes and committee declaration prepared in accordance with the Australian Accounting Standards. INC Guide: Tiered financial reporting
For Tier 2s – The annual accounts have been independently reviewed (s72).	<input type="checkbox"/> Yes <input type="checkbox"/> No	See also: Reporting requirements for Tier 2 and 3 associations
For Tier 3s – The annual accounts have been independently audited (s75).	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Financial records are kept for 7 years (s67)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
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RECORD KEEPING

Requirement	Complied	Guidance notes
RULES OF ASSOCIATION (CONSTITUTION)		
The association keeps an up to date copy of its rules (s35(1)).	<input type="checkbox"/> Yes <input type="checkbox"/> No	The rules lodged with Consumer Protection are the legally effective rules. If required, a copy can be purchased from Consumer Protection.
Each new member of the association is provided with their own copy of the rules when they join the association (s36(1)(6)).	<input type="checkbox"/> Yes <input type="checkbox"/> No	The association can comply by: <ul style="list-style-type: none">• providing a hard copy to the member;• emailing a copy to the member; or• providing details for a website where the rules can be downloaded.
The rules are made available to members to inspect and copy if requested (s35(2)).	<input type="checkbox"/> Yes <input type="checkbox"/> No	INC Guide: Members' access to the records
A copy of the rules or any particular part is given to a member, free of charge, if requested (s36(1)(a)).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
REGISTER OF MEMBERS		
The association keeps an up to date Register of Members (s53)	<input type="checkbox"/> Yes <input type="checkbox"/> No	The register must include the name and address (residential, postal or email) for each member. It is required to be updated within 28 days of any change in membership details occurring.
The Register of Members is made available to members to inspect and copy if requested (s54).	<input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none">• The requesting member is entitled to access the name and address information contained in the register.• The <i>Privacy Act 1988</i> (Cth) does not override these requirements of the Act.• An association's rules may empower the committee to request a statutory declaration from the member prior to the register being made available (s54 & 56). INC Guide: Members' access to the records
A copy of the Register of Members is provided to a member where requested in writing (s56).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
OTHER RECORD KEEPING		
The association has a copy of its certificate of incorporation.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If required, a replacement can be purchased.
The association keeps an up to date Record of Office Holders (s58).	<input type="checkbox"/> Yes <input type="checkbox"/> No	The record must include the name and address (residential, postal, business or email) for each committee member.
The Record of Office Holders is made available to members to inspect and copy if requested (s58).	<input type="checkbox"/> Yes <input type="checkbox"/> No	Members are permitted to inspect and copy the record.

Other records made available for inspection by members in accordance with rules	<input type="checkbox"/> Yes <input type="checkbox"/> No	The association's rules must specify what rights members have to inspect other records such as minutes, correspondence and financial documents.
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COMMITTEE RESPONSIBILITIES

Requirement	Complied	Guidance notes
ELIGIBILITY AND APPOINTMENT		
All committee members are eligible to sit on the management committee (s39).	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The rules will include eligibility requirements to hold a committee position.</p> <p>Some people are prohibited from sitting on a committee without approval from Consumer Protection. For example an un-discharged bankrupt.</p> <p>Fact sheet: Eligibility requirements for committee members</p>
All committee members have been properly elected/appointed in accordance with rules.	<input type="checkbox"/> Yes <input type="checkbox"/> No	The procedures for electing the management committee members and filling any casual vacancies are required to be set out in the rules.
HANDOVER OF RECORDS		
All association records in the possession of an outgoing committee member are returned (s41).	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The records must be delivered to a current committee member as soon as practicable when a person leaves the committee.</p> <p>INC Guide: Leaving the committee</p>
CONFLICTS OF INTEREST		
Committee member to declare any material personal interest (s42(1))	<input type="checkbox"/> Yes <input type="checkbox"/> No	A committee member must disclose any material personal interests they have in matters being considered at committee meetings.
Disclosure recorded in the minutes for the meeting (s42(6)).	<input type="checkbox"/> Yes <input type="checkbox"/> No	The disclosure must explain the nature and extent of the interest and how it relates to the association's activities.
Committee member to leave the meeting while the matter is discussed and voted on (s43).	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Committee member to disclose their interest to the members at the next general meeting (s42(2)).	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Factsheet: Identifying and managing conflicts of interest</p> <p>INC Guide: The role and duties of the management committee</p>

REPORTING TO CONSUMER PROTECTION

Requirement of the Act	Complied	Guidance notes
Association contact details lodged with Consumer Protection are up to date (s175).	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>When a change occurs the address must updated within 28 days. The notice can be made using AssociationsOnline.</p> <p>Help guide: Managing my association's details</p>

INCORPORATED ASSOCIATIONS **SELF CHECK**

Associations Information Statement submitted (s156).	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>An information statement must be lodged every year within 6 months after the end of the association's financial year.</p> <p>Video: Lodge annual information statement</p>
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ALTERING THE RULES (CONSTITUTION)

Requirement of the Act	Complied	Guidance notes
Written notice given of general meeting and proposed special resolution.	<input type="checkbox"/> Yes <input type="checkbox"/> No	The notice must state the wording of the proposed special resolution and be given in accordance with the time and manner required under the rules.
Notice sent to all members	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Proposed special resolution(s) passed by 75% majority of members who are eligible to vote at general meeting	<input type="checkbox"/> Yes <input type="checkbox"/> No	Members may vote in person or if the rules allow, by proxy or postal vote. Video: Voting on the new rules
Amendments to the rules lodged with Consumer Protection within one month .	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The changes must be lodged in order to have legal effect. Video: Notify the department of a change of rules
RESOURCES: INC Guide: Altering the rules Change of rules webpage : step by step videos, model rules, Schedule 1 checklist		

ACTION REQUIRED:

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ASSOCIATIONS ONLINE

All applications and forms can be submitted using AssociationsOnline available at www.dmirs.wa.gov.au/associationsonline

ASSOCIATIONS INC GUIDE

Available online at
www.commerce.wa.gov.au/inc

CONTACT US:

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