

Application for incorporation upon amalgamation of associations

Associations Incorporation Act 1981

This form is effective from 1 July 2011

ABN: 13 846 673 994

OFFICE USE ONLY

Date received

Lodgement details

LU number:

Instructions

Please use **BLOCK** letters when you fill out this form. Attach extra sheets if there is not enough space. All dates should be DD/MM/YYYY.

Privacy statement—please read

The Office of Fair Trading is collecting information, including personal information, on this form for the purposes of the *Associations Incorporation Act 1981* and Associations Incorporation Regulation 1999. In accordance with this legislation, a register of this information and any documents required by the department is available for inspection by the public upon payment of a prescribed fee. Where authorised or required by law, information on this form can be disclosed without your consent.

Fee: \$124.00

No GST payable on fees.

Part 1—Information about the current association

Note: if the association is a branch of a parent association, please attach a copy of the written agreement of the parent association to the amalgamation and subsequent incorporation of the new association as a branch obtained prior to the amalgamation resolutions.

Note: the secretary of a new association must, within 30 days after incorporation, request the Registrar of Titles in writing to record in the appropriate register details of land or any interest in land gained by the new association because of its incorporation under the Act.

a) Application is hereby made under the *Associations Incorporation Act 1981* for incorporation of a new association following the decision to amalgamate by the members of:

Incorporated association number

Association name A

Incorporated association number

Association name B

(Note should more than two associations decide to amalgamate a separate list should be attached referenced C, D etc)

b) The total amount owing to creditors in relation to association name A is \$

The total amount owing to creditors in relation to association name B is \$

(Note should more than two associations decide to amalgamate a separate list should be attached)

c) Are the current associations branches of another association?

Yes—please to go to (d). No—please go to (e).

d) If branches, what is the full name of the parent association?

.....

e) Does either current association own or lease land or hold an interest in land? Yes No

If yes, please provide details

.....

.....

.....

.....

.....

.....

Part 2—Proposed name of the amalgamated association

The association's name must include either 'Inc.' or 'Incorporated'. * Please tick whichever is applicable. If the association is a branch, it must include the word 'branch' in its name. e.g. 'XYZ Hockey Association—Gatton Branch Inc.' Registration will be made in the first available name.

1st preference
..... Incorporated* / Inc*
2nd preference
..... Incorporated* / Inc*
3rd preference
..... Incorporated* / Inc*

Part 3—Person appointed to make this application

Any correspondence regarding this application will be sent to this person.

Preferred title Mr Mrs Ms Miss Other (specify)
Surname Given names
Address for correspondence
Suburb State Postcode
Phone (day time) Fax
Email address

Part 4—Special resolutions

If the association is a branch, the special resolution can only be passed after the parent body has given permission for incorporation.

a) The members of the above named association A at a general meeting duly convened and held at:
..... on
(place) (date)
passed a special resolution deciding to amalgamate with association B, to adopt a single set of proposed rules and also to elect interim officers for the new association.

b) The members of the above named association B at a general meeting duly convened and held at:
..... on
(place) (date)
passed a special resolution deciding to amalgamate with association A, to adopt a single set of proposed rules and also to elect interim officers for the new association.

Part 5—Office holders of the association following incorporation

The following interim office holders were elected for the incorporated association:

President Mr Mrs Ms Miss Other (specify)
Surname Given names
Address for correspondence
Suburb State Postcode

Note: a post office box address is **not acceptable**.

Treasurer Mr Mrs Ms Miss Other (specify)
Surname Given names
Address for correspondence
Suburb State Postcode

Note: a post office box address is **not acceptable**.

Part 5—Office holders of the association following incorporation continued

If a secretary has not yet been elected, the association must appoint a Secretary within one month of incorporation and notify the department (use Form 10a).

Note: a post office box address is **not acceptable**.

The following interim office holders were elected for the incorporated association:

Secretary Mr Mrs Ms Miss Other (specify)

Surname Given names

Address for correspondence

Suburb State Postcode

Part 6—Address of the association

Postal address of the association

Postal address

Suburb State Postcode

Nominate address for service

Note: a post office box address is **not acceptable**.

Address

Suburb State Postcode

Bank details

Name of **existing** or **proposed** bank/building society/credit union

.....

Branch

Part 7—Rules of the association following incorporation

Associations can choose to adopt either the model rules or their own rules.

At general meetings, the old associations passed special resolutions adopting a single set of proposed rules to apply to the new association upon incorporation. Please tick the appropriate box identifying the type of rules adopted.

The association will be:

Adopting its own rules.

- Complete Appendix A and statutory declaration only.
- Forward copy of the rules.

OR

Adopting the model rules.

- Complete Appendix B only.

Left blank intentionally,
please turn over for more details

Part 8—The following must accompany this application

Please note that we cannot process this application, unless the fee is included.

- a) the current certificate of incorporation of each association which resolved to amalgamate, or a statutory declaration by the secretary verifying that the current certificate has been lost or destroyed
 - b) if the new association proposes to adopt the model rules, as per Part 7 above, a completed copy of Appendix B.
- or**
- c) if the association proposes to adopt its own rules, as per Part 7 above:
 - i) a copy of the proposed common rules adopted for the new association; and
 - ii) a statutory declaration by the appointed person nominated at Item 1 stating that the proposed common rules comply with the *Associations Incorporation Act 1981* as per Part 7 above.
 - d) A completed *Form 13—Notice of Special Resolution for Amalgamation of Associations*, for each association resolving to amalgamate is required to be lodged within **three months** after the resolution is passed.

..... Date / /
D D M M Y Y Y Y
 (Signature of person making the application)

Part 9—Lodgement and payment

Lodgement details

Please lodge the completed application, any supporting documentation and fees to the Office of Fair Trading at the address below, or at one of our regional offices.

By mail:

Registration Services
 Office of Fair Trading
 GPO Box 3111
 Brisbane QLD 4001.

Visit www.fairtrading.qld.gov.au or call **13 QGOV** (13 74 68) for information and your nearest Fair Trading Office.

Payment details

Cash Credit card Money order Cheque

Make money order or cheque payable to the Office of Fair Trading.

A receipt will not be issued unless specifically requested.

Credit card payment

Charge my: Mastercard VISA AMEX

Note: AMEX is not accepted for payments at the Brisbane CBD public counter.

Credit card number:

Cardholder's name:

Amount authorised: \$ Expiry date: /
M M Y Y Y Y

Cardholder's signature:

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Complete this appendix only if the association is adopting its own rules. Matters to be provided for in rules (Part 1—matters with examples)— Each of these matters must be fully provided for in the association's rules. Possible wording for any or all of these rules may be found in the model rules.	
	Insert rule number
1. The name of the incorporated association (example—see model rule 2).	
2. The objects of the incorporated association (example—see model rule 3).	
3. Any membership or other fees to be paid by the members of each class of membership of the incorporated association (example—see model rule 8).	
4. Whether or not there is a right of rejection or termination of membership and if so, the way the rejection or termination is decided (example—see model rules 9 and 10).	
5. Whether or not there is a right of appeal against rejection or termination of membership and if so, how the right of appeal may be exercised (example — see model rules 11 and 12).	
6. The recording of minutes of proceedings of management committee meetings and general meetings, and inspection of the minutes of a general meeting by financial members (example—see model rules 26(1) and 41(1) and (3)).	
7. The verification of the accuracy of the recorded minutes of meetings (example—see model rules 26(2) and 41(2)).	
8. The amendment or rescission of, or addition to, the rules of the incorporated association (example—see model rule 43(1)).	
9. The validation of an amendment or rescission of, or addition to, the rules of the incorporated association (example—see model rule 43(2)).	
10. The form, custody and use of the common seal of the incorporated association (example—see model rule 44).	
11. The way the income and property of the incorporated association may be used (example—see model rule 46(2)).	
12. The custody of the books, documents, instruments of title and securities of the incorporated association (example—see model rule 47).	
13. The end date of the incorporated association's financial year (example—see model rule 48).	
14. Distribution of surplus assets on winding-up (example—see model rule 49).	
Matters to be provided for in rules (Part 2—matters without examples)— Each of these matters must be fully provided for in the association's rules.	
1. The following matters about membership:	
a) the classes of membership of the incorporated association	
b) the conditions of entry to a class	
c) whether membership of a class is limited or unlimited in numbers	
d) how a class is limited, if at all, and additional limitations of rights for a class, for example, voting rights and eligibility for holding office.	

2. The following matters about the management committee:	
a) the designation of the positions constituting the management committee and how a member of the management committee is elected or appointed to a position	
b) the term of office of a member	
c) the resignation of a member	
d) how a member is removed from office	
e) appeal rights of a member if the member is removed from office	
f) how a casual vacancy on the management committee is filled	
g) the frequency of meetings of the management committee, how the meetings are called and the notice requirements for a meeting	
h) the procedure for meetings and the size of a quorum	
l) the functions and powers of the management committee.	
3. The following matters about general meetings of the incorporated association:	
a) the grounds for calling a meeting	
b) how a meeting is called	
c) the procedure for general meetings.	
4. How the register of members is kept.	
5. The way the income and property of the incorporated association is to be managed and how the association's cheques must be drawn and signed.	

Statutory declaration

QUEENSLAND OATHS ACT 1867—STATUTORY DECLARATION UPON INCORPORATION

I, do solemnly and sincerely declare that:
 (name)

1. I am the person appointed by resolution of the members of

.....
 (name of unincorporated association)

to prepare and make an application for the association to be incorporated under the *Associations Incorporation Act 1981*.

2. The 'own rules' adopted by the members of the above mentioned association by resolution passed with a three quarters

majority on / / comply with the *Associations Incorporation Act 1981* and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Declared at
 (place)

in the State of Queensland on / / .

.....
 (signature of Appointed Person)

Before me
 (J.P., Commissioner for Declarations, etc)

Rule 5—Classes of membership	<p>The model rules set out the classes of membership of an association. All associations who adopt the model rules have an unlimited number of 'ordinary members'. Other classes of membership could include associate, life or honorary membership. In the table below:</p> <ol style="list-style-type: none"> For 'ordinary members' fill in columns (b) and (c) (column (a) has been filled in for you already in relation to ordinary members). Fill in all columns if the association has additional classes of members. <p>If the association has a class of membership specifically for persons under 18 years of age, note that these members are not entitled to vote (unless permitted by law) or to hold positions on the association's management committee. These limitations should be reflected in column (c) headed 'Membership limitations'.</p>		
Class of member	Description of membership (Complete all columns)		
	a) Number of members in this class (Describe the number of members. Put 'unlimited' if there is no limitation.)	b) Membership eligibility (Describe what criteria have to be met for this class of membership. Note: entry requirements should differentiate between the classes of membership. Please do not write 'Nil'.)	c) Membership limitations This refers to the voting rights and election to committees. (Please enter 'nil' if there are no limitations.)
Example: Junior members	No more than 100 junior members at any one time.	<ol style="list-style-type: none"> Must be under 18 years of age. Must be a registered hockey player. Must support the objects of the association. 	<ol style="list-style-type: none"> May not vote (unless permitted by law). Not eligible for election to the management committees.
Ordinary	Unlimited		
Sign here This form must be signed	<p>The matters contained in this appendix are the insertions to the model rules agreed to by a resolution passed at a meeting of the association by the votes of at least three quarters of the association's members who are present and entitled to vote on the resolution.</p> <p>Signature of appointed person:</p> <p>Dated: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p style="text-align: center; font-size: small;">D D M M Y Y Y Y</p>		