

## ASSOCIATIONS INCORPORATION.

No. 64 of 1964.

AN ACT to provide for the incorporation of certain associations and for matters incidental thereto.

[17 December 1964.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Associations Incorporation Act 1964*. Short title and commencement.

(2) This Act shall commence on a date to be fixed by proclamation.

**2**—(1) In this Act, unless the contrary intention appears— Interpretation.

“applicant for incorporation” means the person by whom a notice under section three is given as provided in that section; Cf. 1953, No. 15 (A.C.T.). No. 56 of 1956 (S.A.), s. 2.

“association” means— 59 Vict. No. XX (W.A.), s. 2.

(a) any association, society, club, institution, or body that is formed or carried on—

- (i) for a religious, educational, benevolent, or charitable purpose;
- (ii) for the purpose of providing medical treatment or attention;
- (iii) for the purpose of promoting or encouraging literature, science, or art;
- (iv) for the purpose of recreation or amusement;
- (v) for the purpose of establishing, managing, carrying on, or beautifying a community centre;
- (vi) for the purpose of administering (whether as trustee or otherwise) any scheme or fund for the payment of superannuation or retiring benefits to the members of any organization or undertaking or the employees

of any person or body of persons (whether incorporated or unincorporated); or

(vii) for promoting any of the foregoing purposes or any like purpose; and

(b) any other association, society, club, institution, or body that is declared by the Minister, by order, to be an association for the purposes of this Act,

but does not include any association, society, club, institution, or body that is formed or carried on for the purpose of trading or securing pecuniary profit for its members;

“committee”, used in relation to an association, means the committee of the association or, if there is no committee thereof, the persons (however styled) who have the management of the affairs of the association;

“incorporated association” means an association that is incorporated under this Act;

“model rules” means the model rules prescribed in pursuance of section sixteen, as in force for the time being;

“objector” means a person who objects, as provided in section five, to the incorporation of an association under this Act;

“public officer”, used in relation to an incorporated association, means the public officer of that association appointed in pursuance of section fourteen;

“Registrar” has the same meaning as in the *Companies Act 1962*;

“special resolution” means a special resolution within the meaning of section twenty-three.

(2) A reference in this Act to the rules of an association includes a reference—

(a) to the constitution, regulations, and by-laws (if any) of the association; and

(b) if the association has adopted the model rules with or without modification, to the model rules as so adopted.

Notice of intention to apply for incorporation of association. A.C.T., s. 3. S.A., s. 5. W.A., s. 3.

**3**—(1) Where the committee of an association authorizes a person to apply for the incorporation of the association under this Act, that person may, by notice published in a newspaper circulating in the State, give notice that he intends to apply for the incorporation of the association under this Act.

(2) A notice given under subsection (1) of this section—

- (a) shall be in the prescribed form;
- (b) shall specify the objects and purposes of the association in respect of which it is given;
- (c) shall be submitted to and approved by the Registrar before publication; and
- (d) shall contain the name and address of the person by whom it is given.

**4** The committee of, and the persons who are members of or interested in, an association that it is proposed to incorporate under this Act may do all such acts and things as may be necessary for securing the incorporation of the association under this Act.

Power to take steps to incorporate an association.  
S.A., s. 6.  
W.A., s. 9.

**5—(1)** A person may, within one month after the publication of a notice under section three, by notice in writing lodged with the Registrar, object to the incorporation of the association to which the first-mentioned notice relates upon any one or more of the following grounds, namely:—

Objection to incorporation.  
S.A., s. 7.  
W.A., s. 4.

- (a) That the applicant for incorporation is not authorized by the committee of the association to make application for the incorporation of the association;
- (b) That the association is not an association within the meaning of this Act;
- (c) That the association was formed or is carried on or is proposed to be incorporated for an immoral, disloyal, or illegal purpose or a purpose contrary to public policy;
- (d) That the rules of the association do not comply with the provisions of this Act; and
- (e) That the name of the association is a name by which the association could not be incorporated without contravention of section nine.

(2) A notice of objection under this section shall set out fully—

- (a) the grounds of the objection; and
- (b) the name, address, and occupation of the person by whom the objection is made.

(3) Upon receipt of a notice of objection under this section, the Registrar shall give to the applicant for incorporation a notification in writing—

- (a) stating that an objection has been received;

- (b) setting out the grounds of the objection and the name, address, and occupation of the objector; and
- (c) specifying a time within which the applicant for incorporation may make representations to the Registrar in relation to the objection.

(4) The Registrar shall consider the objection and representations and shall decide whether or not, in his opinion, the association should be incorporated under this Act, and shall give notice, in writing, of his decision to the objector and to the applicant for incorporation.

Appeal from  
decision of  
Registrar.  
S.A., s. 8.

**6**—(1) Subject to this section, the objector or the applicant for incorporation, if dissatisfied with the decision of the Registrar under section five, may appeal against that decision to a police magistrate.

(2) Where an appeal under this section—

- (a) is brought by the objector, the applicant for incorporation shall be joined as a party to the appeal; or
- (b) is brought by the applicant, the objector shall be joined as a party to the appeal.

(3) An appeal under this section—

- (a) shall be made within fourteen days after the receipt by the appellant of notice of the decision in respect of which the appeal is brought or such extended time as a police magistrate may, for good cause, allow; and
- (b) shall be instituted by written notice of appeal setting out the grounds of the appeal and served on, or sent by post by means of the certified mail service to—
  - (i) the clerk of petty sessions for the district in which the appeal is to be heard;
  - (ii) the Registrar; and
  - (iii) the other person who is required by subsection (2) of this section to be joined as a party to the appeal.

(4) Subject to the foregoing provisions of this section, an appeal under this section shall be instituted, heard, and determined as prescribed.

(5) On the determination of an appeal under this section, the police magistrate by whom the appeal is heard shall, by his order, determine whether or not the association to which the appeal relates should be incorporated under this Act.

(6) The determination of a police magistrate on the hearing of an appeal under this section is final and is not subject to appeal or review, and shall not be challenged, quashed, or

called in question before any court or in any legal proceedings, or restrained, removed, or otherwise affected by prohibition, mandamus, certiorari, or otherwise.

(7) No appeal lies under this section against a decision of the Registrar as to whether an association should or should not be incorporated under a particular name or under a name of a particular kind.

**7**—(1) Subject to any decision of a police magistrate on the hearing of an appeal under section six, a person by whom notice under section three of intention to apply for the incorporation of an association is given may, after the expiration of a period of one month, and within a period of six months, after the publication of the notice, apply in writing to the Registrar, in the prescribed form, for the incorporation of the association.

Application  
for incor-  
poration of  
association.  
A.C.T., s. 5.  
S.A., s. 8.

(2) An application under subsection (1) of this section shall state—

- (a) the name of the association;
- (b) the objects and purposes of the association;
- (c) the place or places where the association was formed and is carried on; and
- (d) the names, addresses, and occupations of the persons who constitute the committee of the association.

(3) An application under subsection (1) of this section shall be accompanied by a statutory declaration made by the applicant declaring—

- (a) that he is authorized by the committee of the association to apply for the incorporation of the association under this Act;
- (b) that, on a date and in a newspaper specified in the declaration, he gave notice under section three of his intention to apply for the incorporation of the association; and
- (c) that the particulars contained in the application are true.

(4) An application under subsection (1) of this section shall be accompanied by—

- (a) a copy of the rules of the association and any trusts relating thereto, and, if the rules or trusts are embodied in a deed, a copy of the deed; or
- (b) if the association has adopted the model rules, either with or without modification, a statement, in writing, signed by the applicant setting forth—
  - (i) the date of the meeting at which the model rules were adopted;
  - (ii) a copy of the special resolution for the adoption of the model rules; and
  - (iii) the modifications (if any) subject to which the model rules were adopted by the association.

(5) The copy of any rules, trusts, or deed by which an application under subsection (1) of this section is accompanied shall be verified as a true copy thereof by a statutory declaration made by the applicant.

Incorporation of associations.  
A.C.T., s. 6  
(1).  
S.A., s. 11  
(1).

**8**—(1) Upon receipt of an application under section seven, the Registrar may, if he is satisfied that it is proper for him so to do, grant to the association to which the application relates a certificate of incorporation in the prescribed form.

(2) On granting a certificate of incorporation under this section to an association, the Registrar shall, by notice published in the *Gazette*, give notice of the incorporation of the association.

Names of associations.  
A.C.T., s. 6  
(1A).  
S.A., s. 10.  
W.A., s. 4A.

**9**—(1) The Registrar shall not grant to an association a certificate of incorporation under—

(a) a name that is identical with a name by which—

- (i) another association is incorporated under this Act;
- (ii) a company is registered under the *Companies Act* 1962 or any corresponding previous enactment;
- (iii) a business name is registered under the *Business Names Act* 1962;
- (iv) a co-operative housing society is incorporated under the *Co-operative Housing Societies Act* 1963;
- (v) a building society is registered under the *Building Societies Act* 1876; or
- (vi) a friendly society is registered under the *Friendly Societies Act* 1888,

or that so nearly resembles any such name as, in the opinion of the Registrar, to be calculated to deceive; or

(b) except with the consent of the Minister, a name that, in the opinion of the Registrar, is undesirable or is a name, or a name of a kind, that the Minister has directed the Registrar not to accept for registration.

(2) A direction under subsection (1) of this section is a statutory rule within the meaning of the *Rules Publication Act* 1953.

(3) An incorporated association shall have the word "Incorporated" or the abbreviation "Inc." as part of and at the end of its name.

(4) It is sufficient if the abbreviation "Inc." is used in place of the word "Incorporated" in the name of the company as appearing on its seal.

(5) When the name of an incorporated association is included in any document it is sufficient if the abbreviation "Inc." is used in the place of the word "Incorporated".

**10**—(1) An incorporated association may, by special resolution and with the approval of the Registrar, change its name to any other name by which it could be incorporated without contravention of section nine.

Change of name of incorporated association. S.A., s. 19. W.A., s. 7 (1).

(2) An application for the approval of the Registrar to a change of name pursuant to this section—

- (a) shall be in the prescribed form;
- (b) shall be verified as prescribed;
- (c) shall be made, by the public officer of the association, within the prescribed period after the date of the meeting at which the special resolution for the change of name was passed; and
- (d) shall be lodged with the Registrar, together with such other documents (if any) as may be prescribed.

(3) The Registrar shall register the change of name, and shall either note the change on the certificate of incorporation or issue a new certificate of incorporation in lieu thereof in the prescribed form.

(4) A change of name shall be notified by the Registrar by notice in the *Gazette*.

(5) A change of name does not affect the identity of an association or any right or obligation of an association or of any member or other person, or render defective any legal proceedings by or against an association.

(6) Any legal proceedings that might have been continued or commenced by or against an association by its former name may be continued or commenced by or against it by its new name.

**11**—(1) Upon the grant of a certificate of incorporation to an association pursuant to section eight, the association becomes a body corporate with perpetual succession and a common seal, and may acquire, hold, and dispose of real and personal property, and is capable of suing and being sued in its corporate name.

Effect of incorporation of an association. A.C.T., s. 7. W.A., s. 6.

(2) The common seal of an incorporated association is of no effect unless the name of the association is inscribed on the seal in legible characters.

(3) All courts, judges, and persons acting judicially shall take judicial notice of the seal of an incorporated association affixed to a document and shall presume that it was duly affixed.

**12**—(1) An incorporated association may (if its rules do not direct otherwise) in its corporate name hold, purchase, or take on lease any land, and may sell, exchange, mortgage, lease, or build upon the land (with power to alter and pull down buildings and again rebuild), and otherwise deal with the land as fully and effectually as a natural person could do.

Power of incorporated association to hold property, &c. S.A., s. 13.

(2) The receipt of an incorporated association is a discharge for any moneys arising from or in connection with any such sale, exchange, mortgage, or lease as is referred to in subsection (1) of this section.

Vesting of property in incorporated association. A.C.T., s. 8. S.A., s. 14. W.A., s. 10.

**13**—(1) Upon the incorporation of an association under this Act, any personal property held by a person, in trust or otherwise, for or on behalf of the association becomes vested in the association, subject to any trust, covenant, contract, or liability affecting the property.

(2) The public officer of an incorporated association may, at any time after the incorporation of the association, deliver to the Registrar of Deeds a memorial in writing setting forth, in relation to any land or interest in land (not being land that is subject to the *Real Property Act 1862*) held by any person in trust for or on behalf of the association, such particulars and other matters as may be prescribed and the Registrar of Deeds shall, subject to subsection (4) of this section, register the memorial, whereupon the land or interest in land vests in the association.

(3) The public officer of an incorporated association may, at any time after the incorporation of the association, lodge with the Recorder of Titles notice in writing setting forth, in relation to any land or interest in land (being land that is subject to the *Real Property Act 1862*) held by any person in trust for or on behalf of the association, such particulars and other matters as may be prescribed and the Recorder shall, subject to subsection (4) of this section, enter upon the certificate of title a memorial that the land or interest in land is vested in the association, whereupon the land or interest in land vests in the association accordingly.

(4) A memorial or notice under the foregoing provisions of this section shall be accompanied by—

- (a) the certificate of incorporation, or a copy thereof certified by the Registrar, and by a statutory declaration made by the public officer and by at least one of the persons in whom the land or interest in land is vested declaring that the land or interest in land is held in trust for or on behalf of the association; and
- (b) the appropriate fee prescribed under the *Registration of Deeds Act 1935* or the *Real Property Act 1862*, as the case requires.

Public officer of incorporated association. A.C.T., ss. 9, 10. S.A., s. 15.

**14**—(1) The committee of an incorporated association shall, within fourteen days after the incorporation of the association under this Act, appoint a person who is resident in the State to be the public officer of the association and, if that office at any time becomes vacant, shall, within fourteen days after it becomes vacant, appoint a person who is resident in the State to fill that vacancy.

(2) If the committee of an association fails to comply with subsection (1) of this section, each member of the committee is guilty of an offence.

Penalty: Ten pounds.



(3) The public officer of an incorporated association may, unless the rules of the association otherwise provide, hold any other office in the association except the office of auditor.

(4) Notwithstanding that the rules of an incorporated association do not make provision for the appointment of a public officer, the association has power from time to time to appoint a public officer and to remove any person so appointed from his office as public officer.

(5) The office of public officer of an incorporated association becomes vacant if the person holding that office—

(a) dies;

(b) becomes bankrupt, or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors, or makes any assignment of his estate for their benefit;

(c) becomes of unsound mind;

(d) resigns his office by writing under his hand addressed to the committee of the association; or

(e) ceases to be resident in the State.

**15**—(1) A public officer shall, within fourteen days after his appointment, give notice in writing to the Registrar of his appointment and of his full name, address, and occupation.

Notification of appointment or change of public officer.  
A.C.T., s. 11.  
S.A., s. 15  
(4).

(2) If a public officer changes his address, he shall, within fourteen days after the change, give notice in writing to the Registrar of the change, in default whereof he is guilty of an offence.

Penalty: Twenty pounds.

(3) Within fourteen days after a person is appointed as the public officer of an incorporated association in the place of a person who has ceased to be the public officer thereof, the first-mentioned person shall give notice in writing to the Registrar of his appointment and of his full name, address, and occupation, in default whereof he is guilty of an offence.

Penalty: Twenty pounds.

**16**—(1) The Governor may, by regulations under this Act, prescribe model rules for associations incorporated or desiring to become incorporated under this Act.

Model rules.  
Cf. No. 83 of 1963 (Tas.), s. 38.

(2) An association that is proposed to be incorporated under this Act, or that is incorporated thereunder, may, by special resolution, adopt as its rules all or any of the model rules or may so adopt the model rules subject to such modifications as are specified in the resolution.

(3) Where an association is incorporated under this Act, in so far as any rules lodged, pursuant to section seven, with its application for incorporation are not inconsistent with or

do not exclude or modify the model rules as then in force, the model rules shall be deemed to form part of the rules of the association in the same manner and to the same extent as if they were contained in the rules so lodged.

(4) No alteration of the model rules applies to an association that is incorporated before the regulation prescribing the alteration comes into operation, unless the association, by special resolution, adopts the alteration as part of its rules.

Rules of an  
incorporated  
association.  
*Ibid.*, s. 39.

**17**—(1) In the case of an association that has not adopted the model rules (whether with or without modification) the Registrar shall not grant to the association a certificate of incorporation under this Act if he is of the opinion that the rules of the association lodged, pursuant to section seven, with its application for incorporation do not comply with the provisions of this Act.

(2) In order to comply with the provisions of this Act, the rules of an association—

(a) shall be divided into paragraphs numbered consecutively; and

(b) shall set forth or make provision for or with respect to—

(i) the several matters that are specified in the schedule; and

(ii) such other matters (if any) as may be prescribed.

Alteration  
of rules,  
objects, &c., of  
incorporated  
association.  
A.C.T., s. 13.  
S.A., s. 19.  
W.A., ss. 7  
(2), (3),  
(4), 7A (1),  
(3), (4),  
(5).

**18**—(1) The rules of an incorporated association may be altered by special resolution.

(2) The public officer of an incorporated association shall, within one month after an alteration of—

(a) the rules of the association;

(b) the objects or purposes of the association; or

(c) any trusts relating to the association,

lodge with the Registrar notice of the alteration, a copy of any instrument evidencing the alteration, and a statutory declaration made by the public officer declaring that the copy is a true copy of the instrument of which it purports to be a copy and, in the case of an alteration of the objects or purposes of the association, that the alteration is authorized, and was made in the manner provided, by the rules of the association.

(3) Where, under the rules of an incorporated association, the members of the association are liable to contribute towards the payment of the debts and liabilities of the association or the costs, charges, and expenses of a winding up of the association and an alteration of the rules of the association affects that liability, the public officer of the association shall, within one month after the alteration, give notice of that alteration in a newspaper circulating in the State.

(4) An alteration of the rules, objects, or purposes of an association, or of any trusts relating to an association, is of no effect until subsections (2) and (3) of this section have been complied with in respect of that alteration and, in the case of an alteration of the objects or purposes of the association, unless the alteration is approved by the Registrar.

(5) A notice under subsection (2) of this section shall, in the case of the alteration of the rules of an association, be accompanied by a copy of the special resolution by which the alteration was authorized.

(6) If the public officer of an incorporated association fails to comply with the provisions of subsection (2) or subsection (3) of this section, he is guilty of an offence.

Penalty: Twenty pounds.

**19** An alteration of the rules, objects, or purposes of an incorporated association, does not affect any right, liability, or obligation of the association or of any person, or any legal proceedings, existing or pending immediately before the alteration took effect.

Obligations,  
&c., of  
association  
not affected  
by alteration  
of rules,  
objects, or  
trusts.  
A.C.T., s. 15.  
W.A., s. 7A  
(2).

**20** Contracts on behalf of an incorporated association may be made as follows:—

Contracts.  
S.A., s. 20.  
W.A., s. 15.

- (a) A contract that, if made between natural persons, would be by law required to be in writing under seal may be made on behalf of the association in writing under the common seal of the association;
- (b) A contract that, if made between natural persons, would be by law required to be in writing, signed by the parties to be charged therewith may be made on behalf of the association in writing signed by a person acting under its authority, express or implied; and
- (c) A contract that, if made between natural persons, would by law be valid although made by parol only (and not reduced into writing) may be made by parol on behalf of the association by a person acting under its authority, express or implied,

and a contract so made is effectual in law and binds the association and its successors and all other parties thereto, and may be varied or discharged in the manner in which it is authorized to be made.

**21**—(1) Subject to this Act and to any special restrictions or prohibitions in its rules or trust deed, and without prejudice to any other powers contained in its rules or trust deed or implied by law, an incorporated association has power—

General  
powers of  
incorporated  
associations.  
A.C.T., s. 8A.  
S.A., s. 21.

- (a) to act as trustee for any other incorporated association or any body (whether incorporated or unincorporated) formed for charitable purposes;

- (b) to accept and hold upon trust real or personal property that is given to the association subject to any trust and to carry out any such trust;
- (c) to invest its moneys in or upon any security in which trustees are for the time being authorized by law to invest trust funds;
- (d) to open and operate on bank accounts;
- (e) to borrow money upon such terms and in such manner and upon such security (if any) as the association thinks fit, for the purpose of carrying out its objects and purposes; and
- (f) to secure the repayment of money so raised or borrowed, or the payment of a debt or liability of the association, by giving mortgages, charges, or securities upon or over all or any of the real or personal property of the association.

(2) Nothing in this section empowers an incorporated association to carry on trading or to secure pecuniary profit, whether directly or indirectly, for its members.

Disposal of  
property.  
A.C.T., s. 20.  
S.A., s. 23.

**22**—(1) Where any property is held by an incorporated association upon trust then, notwithstanding that the deed or other instrument creating the trust or the rules of the association do not contain any power to dispose of the property or forbid any such transaction, any person who is authorized so to do by the committee of the association, may make application to a judge for an order authorizing the disposal of the whole or any portion of the property where the trusts upon which it is held have come either wholly or partially to an end.

(2) Upon an application under this section, the judge may, in any case in which he considers it proper so to do, make an order authorizing the disposal of the property to which the application relates and directing the manner in which the proceeds arising from the disposal of the property shall be disposed of.

(3) Upon the making of an order under this section the association may, in accordance with the terms of the order, dispose of the property freed from all trusts to which it was subject.

Special  
resolutions.  
Cf. No. 83 of  
1963 (Tas.),  
s. 45.

**23**—(1) For the purposes of this Act, a resolution is a special resolution if it is passed by a majority of not less than three-quarters of such members of an incorporated association entitled under the rules of the association to vote as may be present in person at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.

(2) At a general meeting to which subsection (1) of this section relates, unless a poll is demanded, a declaration by the chairman that the resolution has been carried is conclusive evidence of the fact.

(3) Notice of the passing of a special resolution shall be lodged by the public officer of the association, as prescribed, with the Registrar within a period of one month after the passing of the resolution, and thereupon the resolution shall be registered by him and, until registered, it does not take effect.

(4) A notice under subsection (3) of this section—

(a) shall be signed by the public officer of the association; and

(b) shall be accompanied by such other documents (including a copy of the special resolution) as may be prescribed, and those documents shall be signed or verified as prescribed.

**24**—(1) The committee of an incorporated association shall, once in each period of twelve months, or more frequently if the rules of the association so provide, cause the financial affairs of the association to be audited by a person who is not the public officer, or a member of the committee, of the association. Accounts and audit. A.C.T., s. 22.

(2) If the committee of an association fails to comply with subsection (1) of this section, each member of the committee is guilty of an offence.

Penalty: Ten pounds.

**25**—(1) Two or more incorporated associations may, by special resolution of both or all of those associations, amalgamate and become one association with or without a dissolution or division of the funds of those associations or any of them. Amalgamation of associations. No. 83 of 1963 (Tas.), s. 53. S.A., s. 28.

(2) Where two or more incorporated associations pass special resolutions for the amalgamation of those associations, the public officer of each association shall lodge with the Registrar notice in the prescribed form of the passing of the resolution, and of the name of the association to be created by the amalgamation.

(3) A notice under subsection (2) of this section, when lodged with the Registrar, shall be accompanied by such documents (if any) as may be prescribed, and those documents shall be verified as prescribed.

(4) Upon receipt of a notice under subsection (2) of this section, the Registrar, if satisfied that the association to be created by the amalgamation could be incorporated under the

name set out in the notice without contravention of section nine, may issue a certificate of incorporation of that association and if he issues such a certificate shall, by notice in the *Gazette*, give notice of the incorporation of the association.

(5) Upon the issue of a certificate of incorporation pursuant to subsection (4) of this section, all the property of the amalgamated associations vests in the association created by the amalgamation, and the provisions of section thirteen, with the necessary adaptations, apply to and in relation to that property accordingly.

(6) The amalgamation of two or more incorporated associations does not prejudice any right of a creditor of, or any person having a claim against, any of the amalgamated associations, and any such right or claim may be enforced against the association created by the amalgamation.

Name of  
incorporated  
association  
to appear on  
documents.  
A.C.T., s. 16.

**26**—(1) An incorporated association shall cause every notice, advertisement, bill of exchange, cheque, promissory note, endorsement, order, receipt, or other document given, published, drawn, endorsed, or issued by it to contain the name of the association in legible characters.

(2) If there is a contravention of the provisions of subsection (1) of this section in relation to an incorporated association, each member of the committee of the association shall be deemed to be guilty of an offence.

Penalty: Twenty pounds.

Liability of  
members of  
incorporated  
associations.  
A.C.T., s. 18.  
S.A., s. 29.

**27** A member of an incorporated association is not liable, except as provided in the rules of the association, to contribute towards the payment of the debts and liabilities of the association or the costs, charges, and expenses of a winding up of the association.

Service of  
notices.  
A.C.T., s. 21.  
S.A., ss. 30,  
31.  
W.A., ss. 11,  
12.

**28**—(1) A notice, demand, summons, writ, or other document or process may be served on an incorporated association by serving it personally on the public officer of the association or by sending it by post to him at his usual or last-known place of abode or business.

(2) An incorporated association may give a notice or make a demand by writing under the hand of the public officer of the association.

Inspection of  
documents.

**29** A person may—

- (a) inspect the documents kept by the Registrar relating to incorporated associations on payment of such fee as may be prescribed; and
- (b) require a certificate of the incorporation of an association or any other certificate issued under this Act or a copy or extract of any other docu-

ment or any part of any other document kept by the Registrar, on payment, for the certificate, certified copy, or extract, of such fee as may be prescribed.

**30**—(1) The Registrar may, by writing under his hand, certify—

Evidentiary provisions.  
A.C.T., s. 28.  
S.A., s. 34.

(a) that, on a date specified in the certificate, an association so specified was, or was not, an incorporated association; or

(b) that, on a date specified in the certificate, a person so specified was, or was not, the public officer of an incorporated association so specified,

and such a certificate is, in all courts and for all purposes, evidence of the matter stated in the certificate.

(2) In any legal proceedings, a copy of any rules or trusts of an incorporated association, certified by the Registrar to be a true copy thereof, is evidence that the rules or trusts were rules or trusts, as the case may be, of the association therein mentioned, and were in force on the date mentioned in the Registrar's certificate.

(3) Judicial notice shall be taken of the signature of the Registrar appearing on a certificate under this section and of the fact that the person by whom the certificate purports to have been signed is the Registrar.

**31**—(1) Subject to subsection (2) of this section, where, by or under this Act, an act or thing is required to be performed or done within a specified time, the Registrar may, in special circumstances, if he thinks fit, extend the time for the performance or doing of that act or thing.

Extension of time.  
A.C.T., s. 24.

(2) Subsection (1) of this section does not authorize the Registrar to extend the time for the making of an appeal under section six.

**32**—(1) Subject to section thirty-three, the provisions of the *Companies Act 1962* relating to the winding up of unregistered companies apply, so far as they are applicable and with the prescribed modifications (if any), to and in relation to the winding up of incorporated associations.

Winding up of incorporated associations.  
A.C.T., s. 17.  
S.A., s. 24.

(2) In the application to the winding up of incorporated associations of the provisions of the *Companies Act 1962* that are referred to in subsection (1) of this section—

(a) a reference in those provisions to an unregistered company shall be read as a reference to an incorporated association;

- (b) a reference in those provisions to the directors of a company shall be read as a reference to the members of the committee of an incorporated association;
- (c) a reference in those provisions to the secretary of a company shall be read as a reference to the public officer of an incorporated association; and
- (d) a reference in those provisions to the principal place of business of a company shall be read as a reference to the place where the public officer of an incorporated association resides.

Distribution  
of surplus  
assets.  
A.C.T., s. 19.

**33**—(1) Where, upon the winding up of an incorporated association, a resolution relating to the distribution of the surplus assets of the association has been passed by a majority of at least two-thirds of the members of the association, the Court shall, subject to subsection (2) of this section, make an order for the distribution of those assets in accordance with the resolution.

(2) Where—

(a) the Court considers that a distribution of the surplus assets of an incorporated association in accordance with a resolution of a kind referred to in subsection (1) of this section would not be just; or

(b) such a resolution has not been passed,

the Court shall make such order for the distribution of those assets as, having regard to the objects and purposes of the association being wound up, it considers just.

(3) In this section—

“Court” means the Supreme Court;

“surplus assets” means the assets of an incorporated association remaining on the winding up of the association after payment of the debts and liabilities of the association and the costs, charges, and expenses of the winding up.

Cancellation  
of incorpora-  
tion of  
association.  
S.A., s. 25.

**34**—(1) Where the Registrar has reasonable cause to believe that an incorporated association has ceased to exist or that the transactions of an incorporated association are such that it is not, or has ceased to be, an association within the meaning of this Act, the Registrar may send by post by means of the certified mail service to the person appearing to be the public officer of the association by any notice lodged in the office of the Registrar a notice requiring him, within the period of one month from the date thereof, to satisfy the Registrar that the association has not ceased to exist or, as the case may be, that the transactions of the association are not such that the association is not, or has ceased to be, an



association within the meaning of this Act, and stating that, unless cause is shown to the contrary within that period, a notice will be published in the *Gazette* with a view to the cancellation of the incorporation of the association.

(2) If cause is not shown as provided in subsection (1) of this section within the time mentioned in that subsection, the Registrar may publish in the *Gazette* and send by post by means of the certified mail service to the public officer of the association a notice that, at the expiration of three months from the date of the publication of the notice, the incorporation of the association will, unless cause is shown to the contrary, be cancelled.

(3) At the expiration of the time mentioned in the notice given by the Registrar pursuant to subsection (2) of this section, he may, unless cause to the contrary is previously shown, cancel the incorporation of the association and publish notice of the cancellation thereof in the *Gazette*.

**35**—(1) The public officer of an association or a creditor or member of an association the incorporation of which is cancelled pursuant to section thirty-four may, within three months after the cancellation, appeal, as prescribed, to a police magistrate against the cancellation, and the police magistrate if satisfied that the association has not ceased to exist, or, as the case may be, that the transactions of the association are such that it is an association within the meaning of this Act, and that it is just so to do, may order that the incorporation be restored, and thereupon the incorporation shall be deemed to have continued as if it had never been cancelled.

Appeal  
against  
cancellation  
of incorpora-  
tion.  
S.A., s. 26.

(2) Subject to subsection (1) of this section, an appeal under this section shall be instituted, heard, and determined as prescribed.

(3) The determination of a police magistrate on the hearing of an appeal under this section is final and is not subject to appeal or review, and shall not be challenged, quashed, or called in question before any court or in any legal proceedings, or restrained, removed, or otherwise affected by prohibition, mandamus, certiorari, or otherwise.

**36**—(1) Notwithstanding the cancellation of the incorporation of an association pursuant to section thirty-four, the association is liable to be sued and proceeded against as a corporation, and all dealings and transactions between the association and any person are valid against the association and all persons claiming under the association.

Liability of  
association  
on cancella-  
tion of incor-  
poration.  
S.A., s. 27.

(2) The Registrar shall forthwith after the cancellation of the incorporation of an association give notice thereof to the Registrar of Deeds and the Recorder of Titles, and thereafter the Registrar of Deeds or Recorder of Titles, as the case requires, shall not register any dealings in respect of any land or interest in land vested in the association, unless he is satisfied by such evidence as he thinks fit that the persons claiming to execute any document on behalf of the association are authorized by the association so to do.

Regulations.  
A.C.T., s. 25.  
S.A., s. 36.  
W.A., s. 16.

**37**—(1) The Governor may make regulations for the purposes of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the regulations may—

- (a) prescribe the manner in which, and the persons by whom, and the directions or requirements in accordance with which, the forms prescribed for the purposes of this Act, or any of them, shall or may be signed, prepared, or completed, and generally regulate the signing, preparation, and completion of those forms, or any of them;
- (b) prescribe the times for the lodging of documents with, or the transmission of documents to, the Registrar; and
- (c) impose penalties, not exceeding twenty pounds, for offences against the regulations.

(3) The regulations may require that, in such cases as may be prescribed, documents required by or under this Act to be lodged with the Registrar shall be verified by statutory declaration made by such persons as may be prescribed.

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## THE SCHEDULE.

(Section 17.)

### MATTERS TO BE PROVIDED FOR IN THE RULES OF AN ASSOCIATION.

1. The name of the association.
2. The objects and purposes of the association.
3. The qualifications (if any) for membership of the association.
4. The donations or subscriptions (if any) to be made or paid by members of the association.
5. The names, constitution, membership, and powers of the general committee, board of management, or other governing authority of the association (in this paragraph referred to as "the committee") and—
  - (a) the election or appointment of members of the committee;
  - (b) the terms of office of members of the committee;
  - (c) the grounds on which, or reasons for which, the office of a member of the committee shall become vacant;
  - (d) the filling of casual vacancies occurring on the committee;
  - (e) the quorum and procedure at meetings of the committee; and
  - (f) the quorum and procedure at meetings of sub-committees appointed by the committee.
6. The quorum and procedure at general meetings of members of the association and of sub-committees appointed by any such meeting or constituted or established under the rules of the association.
7. The time within which, and manner in which, notices of meetings and notices of motion are to be given, published, or circulated.
8. The sources from which the funds of the association are to be or may be derived.
9. The manner in which the funds of the association are to be managed, and, in particular, the mode of drawing and signing cheques, drafts, bills of exchange, promissory notes, and other documents for and on behalf of the association.

10. The intervals between general meetings of members of the association, the manner of calling general and special meetings, and the requisite notices of meetings of the association.

11. Whether the accounts of the society are to be audited annually or more frequently, the manner of appointing and removing auditors, and the powers and duties of auditors.

12. The manner of altering and rescinding the rules, and of making additional rules.

13. Provision for the custody and use of the seal of the association.

14. The manner in which the objects or purposes of the association may be altered.

15. The form, custody, and use of the common seal of the association.

16. The custody of books, documents, and securities of the association.

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## WORKERS' COMPENSATION.

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### No. 65 of 1964.

#### AN ACT to amend the *Workers' Compensation Act 1927.* [17 December 1964.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Workers' Compensation Act 1964.* Short title and citation.

(2) The *Workers' Compensation Act 1927*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section five of the Principal Act is amended—

(a) by omitting the word “or” at the end of paragraph II of subsection (3A) thereof and by adding at the end of that subsection the following word and paragraph:—

Liability of employers in respect of injuries sustained by workers.

“; or  
“ IV While the worker is travelling to his place of employment from his place of residence.”; and

(b) by omitting from subsection (3B) the word and symbols “II and III” and substituting therefor the words and symbols “II”, III, and IV”.