**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)

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| **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**). | [ ]  Yes[ ]  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). | [ ]  Yes[ ]  No | All members are entitled to receive notice of any general meeting. |
| Quorum present at the AGM. | [ ]  Yes[ ]  No | The meeting will not be considered to have been held if there is no quorum present. |
| resource: | **INC Guide:** [Meetings](http://www.commerce.wa.gov.au/books/inc-guide-incorporated-associations-western-australia/types-meetings) |

# ACCOUNTING RECORDS AND REPORTING

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| Note: The reporting requirements of an association will depend on its total annual revenue. |
| **Tier 1**: revenue up to $500,000 | **Tier 2**: $500,000 to $3 million | **Tier 3**: over $3 million |

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| **Requirement of the Act** | **Complied** | **Guidance notes** |
| Accurate accounting records kept (**s66**). | [ ]  Yes[ ]  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**) | [ ]  Yes[ ]  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**) | [ ]  Yes[ ]  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](http://www.commerce.wa.gov.au/books/inc-guide-incorporated-associations-western-australia/tiered-financial-reporting)  |
| **For Tier 2s** – The annual accounts have been independently reviewed (**s72**). | [ ]  Yes[ ]  No | **See also:** [Reporting requirements for Tier 2 and 3 associations](http://www.commerce.wa.gov.au/consumer-protection/associations-financial-reporting) |
| **For Tier 3s** – The annual accounts have been independently audited (**s75**). | [ ]  Yes[ ]  No |
| Financial records are kept for 7 years (**s67**) | [ ]  Yes[ ]  No |  |

# Record keeping

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| **Requirement** | **Complied** | **Guidance notes** |
| RULES OF ASSOCIATION (constitution) |
| The association keeps an up to date copy of its rules (**s35(1)**). | [ ]  Yes[ ]  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)**). | [ ]  Yes[ ]  No | The association can comply by:* 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)**). | [ ]  Yes[ ]  No | **INC Guide:** [Members’](http://www.commerce.wa.gov.au/books/inc-guide-incorporated-associations-western-australia/types-meetings) 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)**). | [ ]  Yes[ ]  No |
| REGISTER OF MEMBERS |
| The association keeps an up to date Register of Members (**s53**) | [ ]  Yes[ ]  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**). | [ ]  Yes[ ]  No | * The requesting member is entitled to access the name and address information contained in the register.
* The *Privacy Act 1988* (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’](http://www.commerce.wa.gov.au/books/inc-guide-incorporated-associations-western-australia/types-meetings) access to the records |
| A copy of the Register of Members is provided to a member where requested in writing (**s56**). | [ ]  Yes[ ]  No |
| OTHER RECORD KEEPING  |
| The association has a copy of its certificate of incorporation.  | [ ]  Yes[ ]  No | If required, a replacement can be purchased.  |
| The association keeps an up to date Record of Office Holders (**s58**). | [ ]  Yes[ ]  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**). | [ ]  Yes[ ]  No | Members are permitted to inspect and copy the record.  |
| Other records made available for inspection by members in accordance with rules | [ ]  Yes[ ]  No | The association’s rules must specify what rights members have to inspect other records such as minutes, correspondence and financial documents. |

# COMMITTEE RESPONSIBiLITiES

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| **Requirement** | **Complied** | **Guidance notes** |
| Eligibility and appointment |
| All committee members are eligible to sit on the management committee (**s39**).  | [ ]  Yes[ ]  No | The rules will include eligibility requirements to hold a committee position. Some people are prohibited from sitting on a committee without approval from Consumer Protection. For example an un-discharged bankrupt. **Fact sheet:** [Eligibility requirements for committee members](http://www.commerce.wa.gov.au/publications/eligibility-requirements-committee-members-associations-info)  |
| All committee members have been properly elected/appointed in accordance with rules. | [ ]  Yes[ ]  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)**. | [ ]  Yes[ ]  No | The records must be delivered to a current committee member as soon as practicable when a person leaves the committee. **INC Guide:** [Leaving the committee](http://www.commerce.wa.gov.au/books/inc-guide-incorporated-associations-western-australia/leaving-committee) |
| CONFLICTS OF INTEREST |
| Committee member to declare any material personal interest (**s42(1)**) | [ ]  Yes[ ]  No | A committee member must disclose any material personal interests they have in matters being considered at committee meetings. The disclosure must explain the nature and extent of the interest and how it relates to the association’s activities. |
| Disclosure recorded in the minutes for the meeting (**s42(6)**). | [ ]  Yes[ ]  No |
| Committee member to leave the meeting while the matter is discussed and voted on (**s43**). | [ ]  Yes[ ]  No |
| Committee member to disclose their interest to the members at the next general meeting (**s42(2)**). | [ ]  Yes[ ]  No | **Factsheet:** [Identifying and managing conflicts of interest](http://www.commerce.wa.gov.au/publications/identifying-and-managing-conflicts-interest)**INC Guide:** [The role and duties of the management committee](http://www.commerce.wa.gov.au/books/inc-guide-incorporated-associations-western-australia/role-and-duties-management-committee) |

# Reporting to Consumer Protection

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| **Requirement of the Act** | **Complied** | **Guidance notes** |
| Association contact details lodged with Consumer Protection are up to date (**s175**).  | [ ]  Yes[ ]  No | When a change occurs the address must updated within 28 days. The notice can be made using [AssociationsOnline](https://www.commerce.wa.gov.au/consumer-protection/associations-online).**Help guide:** [Managing my association’s details](http://www.commerce.wa.gov.au/publications/managing-my-associations-details-associationsonline-help-guide-3) |
| Associations Information Statement submitted (**s156**). | [ ]  Yes[ ]  No | An information statement must be lodged every year within 6 months after the end of the association’s financial year.**Video:** [Lodge annual information statement](http://www.commerce.wa.gov.au/consumer-protection/associations-information-statement)  |

# ALTERING THE RULES (CONSTITUTION)

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| **Requirement of the Act** | **Complied** | **Guidance notes** |
| Written notice given of general meeting and proposed special resolution.  | [ ]  Yes[ ]  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 | [ ]  Yes[ ]  No |
| Proposed special resolution(s) passed by 75% majority of members who are eligible to vote at general meeting | [ ]  Yes[ ]  No | Members may vote in person or if the rules allow, by proxy or postal vote. **Video:** [Voting on the new rules](https://www.youtube.com/watch?v=N1ye5VcGMag) |
| Amendments to the rules lodged with Consumer Protection within **one month.** | [ ]  Yes[x]  No | The changes must be lodged in order to have legal effect.**Video:** [Notify the department of a change of rules](https://www.youtube.com/watch?v=H4osPRIUGuw) |
| RESOURCES: | **INC Guide:** [Altering the rules](http://www.commerce.wa.gov.au/books/inc-guide-incorporated-associations-western-australia/altering-rules)[Change of rules webpage](http://www.commerce.wa.gov.au/consumer-protection/changing-your-rules): step by step videos, model rules, Schedule 1 checklist |

# Action required:

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| CONTACT US: Associations Branch **INDUSTRY REGULATION AND CONSUMER PROTECTION** |
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*Disclaimer: the information contained in this publication is not intended to be legal advice and should not be relied upon as giving legal advice* | All applications and forms can be submitted using AssociationsOnline available at <https://www.commerce.wa.gov.au/consumer-protection/associations-online>  |  | Available online at [www.commerce.wa.gov.au/inc](http://www.commerce.wa.gov.au/inc)  |