

PART 1: THE ASSOCIATION IN A NUTSHELL

A guide to running a NSW incorporated association

THE ASSOCIATION IN A NUTSHELL

This Part of the Guide to running an incorporated association (**Guide**) contains background information to help you understand your association, the roles of the members, public officer, office bearers and committee members, and how to use this Guide.

Key points

1. Who is this Guide for?

This Guide is primarily for public officers, office bearers, including secretaries and members of committees of incorporated associations. This Part provides an overview of an association.

2. How to use this Guide

This Guide is in eight parts and includes a range of practical tools and other links.

3. What is an incorporated association?

An incorporated association is the most common (but not the only) legal structure used by not-for-profit organisations. There are laws that regulate incorporated associations in each state and territory. This Guide deals with New South Wales laws only. A NSW association must operate in accordance with the requirements of the *Associations Incorporation Act 2009* (NSW) (**AI Act**) and the *Associations Incorporation Regulation 2016* (NSW) (**AI Regulation**).

4. What are the reporting obligations of an incorporated association?

Certain information must be reported to NSW Fair Trading under the AI Act and the AI Regulation, including a yearly (annual) summary of the association's financial situation, and when changes occur (like when a new public officer is appointed, or the association's details change).

5. What are the rules and purposes of an incorporated association?

Every incorporated association has its own constitution (or rules) which sets out in detail the procedures for running the association and the purpose for which the association is established. There is a tool in this Part to help you work out what your rules are – it is essential to be familiar with them.

6. What is the role of members of an incorporated association?

Members of an incorporated association have the power to make certain decisions about the association. In particular, they usually appoint the members of the committee.

7. What is a committee?

The committee of an incorporated association (that is, its governing body or board) is responsible for overseeing how the association operates. There are a number of special positions on the committee, known as "office bearers". Often the public officer is a member of the committee, but this is not required under the AI Act.

8. How does the committee differ from the "managers" of an association?

The committee of an incorporated association sets the overall strategic direction of (or, "governs") the association, and is generally not involved in the day-to-day running of the association. In larger associations, there may be senior staff (for example, the CEO, operations manager and finance manager) who are responsible for the day-to-day running of the association.

9. Who is the public officer?

Every association must appoint a public officer, who must be over 18 years of age and a resident of NSW. The AI Act and AI Regulation set out the specific tasks required of the public officer. These tasks include notifying NSW Fair Trading of any changes to key information about the association and lodging a yearly (annual) summary of the association's financial situation, collecting all association documents from former committee members and returning all association documents to a committee member when the public officer vacates office. An association's Constitution may set out additional requirements and responsibilities. The public officer is an authorised signatory of the association. Part 3 of this Guide sets out further details to help you understand the responsibilities of the public officer.

10. Who is the secretary?

Incorporated associations will usually elect a secretary. The secretary may be the same person as the public officer, or in addition to the public officer and either is permitted by the AI Act. The secretary's role and responsibilities will be governed by your association's Constitution. If your association has adopted the Model Constitution (set out in Schedule 1 of the AI Regulation) and no separate secretary is elected, then the public officer will assume the role of secretary.

11. Where can I go for information and assistance?

This Guide sets out information about running an incorporated association. The Not-for-profit Law Information Hub has further resources for incorporated associations, see www.nfplaw.org.au. For information about other Not-for-profit Law services (such as training and legal advice), see www.justiceconnect.org.au/nfplaw.

1. Who is this Guide for?

This Guide is designed to help you (as the public officer, the office bearer, including the secretary), within your association, to comply with the duties associated with your roles by alerting you to your legal obligations and offering “good governance” tips and tools for running an incorporated association in NSW.

It doesn't matter whether you are a volunteer in a small support group, or a paid officer of a large social club – any public officer or officer bearer of an incorporated association in NSW can benefit from this Guide.

Under the AI Act and the AI Regulation, an association's public officer can also hold the positions of committee member and secretary. However, this will depend on the association's Constitution. It is important to understand which role a person is undertaking at any particular time to ascertain what their duties are with respect to that role.

In a nutshell:

- The public officer is the incorporated association's official contact person and is responsible for reporting about the association to NSW Fair Trading and for keeping up-to-date records about the association.
- If your association has a secretary, the secretary will usually be responsible for organising meetings, keeping minutes, dealing with documents and updating records about the association..
- Under the Model Constitution, the secretary is a member of the association's committee and this is usual practice.

This Guide may also be useful for other key people in your organisation including the chief executive officer, chief financial officer, chief operations officer, or founder, as well as people and organisations who work with incorporated associations (such as peak bodies, advocacy groups and lawyers assisting incorporated associations).

2. How to use this Guide

This Guide is produced by Not-for-profit Law, a charity and specialist legal service for not-for-profit community organisations.

The Guide is in eight parts. Many of the parts of the Guide contain practical “tools” – such as sample documents, checklists, registers and flowcharts – to help you in your role. These are located at the end of each part of the Guide.

This Guide contains links to:

- email addresses and (government or community) websites that contain official or reliable information about the topics discussed - these links look like this: “www.fairtrading.nsw.gov.au > cooperatives and associations.” If you are connected to the internet, you can click on the link in the PDF document and go directly to the relevant website, and
- references to other resources and parts of the Satchel that may be relevant cross-references to other sections or tools of a particular part of the Guide - these look like this: “see [Tool 1: Flowchart for working out what are your association’s current rules](#).”

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3. What is an incorporated association?

An incorporated association is the most common (but not the only) legal structure used by not-for-profit groups in NSW. There are other legal forms used by not-for-profit groups, such as corporations (or companies) and cooperatives. Different laws and rules apply to them, which are not covered in this Guide.

Every Australian State and Territory has its own laws to regulate incorporated associations. This Guide deals with incorporated associations in NSW.

Tip:

For more information on what incorporation means, and different types of legal structures used by not-for-profit groups, see “Getting Started” on the Not-for-profit Law Information Hub: www.nfplaw.org.au/gettingstarted.

How do you know if an organisation is an incorporated association?

Incorporated associations have the word “Incorporated” or the letters “Inc” at the end of their name. This can be contrasted with organisations that have, for example, “Ltd” or “Pty Ltd” at the end of their name.

Tip:

If you are not sure whether your association is an incorporated association in NSW, you can search the Public Register of Incorporated Associations on the NSW Fair Trading website:

www.fairtrading.nsw.gov.au > [cooperatives & associations](#) > [about associations](#) > [accessing associations public records](#).

In NSW, the AI Act is the main piece of legislation regulating incorporated associations. The AI Act covers the establishment, operation and ending (or dissolution) of an incorporated association.

Tip:

The AI Act gives powers and responsibilities to the “Director-General” of Incorporated Associations. In practice, the functions of the Director-General are carried out by NSW Fair Trading, a unit of the NSW Department of Finance, Services and Innovation. Throughout this guide, “NSW Fair Trading” is used for convenience in place of “Director-General”, “department” or “Secretary”.

The AI Regulation sets out further details about the legal requirements for operating an incorporated association in NSW. The AI Regulation also sets out the Model Constitution for incorporated associations. Your association has the option of using the Model Constitution, or drafting its own Constitution which addresses matters required by the AI Act and AI Regulation (see below, 5. The Constitution and purposes of an incorporated association).

Current copies of the AI Act and AI Regulation are available on the NSW Government’s website for legislation: www.legislation.nsw.gov.au (go to “Browse” and search “Acts” (for the AI Act) or “Regulations” (for the AI Regulation)). It is good practice to keep a copy of the current AI Act and AI Regulation with your association’s official documents. You can find a copy of the Model Constitution on NSW Fair Trading’s website, www.fairtrading.nsw.gov.au > [cooperatives & associations](#) > [incorporating an association](#) > [about the Constitution](#) > [Model Constitution](#).

There are other laws which apply to incorporated associations – for example, laws dealing with work health and safety, workplace relations, volunteers, tax, advertising and fundraising. The Not-for-profit Law Information Hub (www.nfplaw.org.au) contains useful resources and information sheets on a range of topics and laws to help not-for-profit organisations.

Tip:

Legislation is updated from time-to-time. For example, the old *Associations Incorporation Regulation 2010* was replaced by the *Associations Incorporated Regulation 2016* on 1 September 2016.

One way to stay updated on changes in the law is to register for the Non-for-profit Law Update. You can do this by signing up <http://www.justiceconnect.org.au/news-and-media/newsletter-subscription?email>.

What does NSW Fair Trading do?

NSW Fair Trading is the New South Wales Government unit with primary responsibility for dealing with incorporated associations.

Under the AI Act and the AI Regulation, the Director-General (Commissioner of Fair Trading) has a number of legal functions relating to incorporated associations. These include:

- maintaining the Register of Incorporated Associations (a list of all incorporated associations in NSW)
- approving applications for incorporation
- approving Constitutions drafted by incorporated associations
- receiving annual summaries from incorporated associations (see [Part 8: Reporting to NSW Fair Trading](#) in this Guide)
- approving important changes to an incorporated association (such as changes to an association's Constitution, statement of purposes or name)
- cancelling an association's incorporation status
- monitoring and/or investigating an association's compliance with the AI Act and AI Regulation (and taking other action if necessary), and
- imposing fines (or taking other action if necessary) where there has been a failure to comply with the AI Act.
- In practice, the office of NSW Fair Trading deals with all of these matters on behalf of the Director-General/Commissioner of Fair Trading. You can contact NSW Fair Trading if you need help with:
 - forms to be lodged with NSW Fair Trading, and requests for extension of time to lodge forms
 - information and assistance to ensure your association's Constitution complies with the AI Act
 - requests for documents (eg. your association's Constitution or other documents lodged with NSW Fair Trading), and
 - general advice about your obligations under the AI Act.

NSW Fair Trading is not able to:

- give legal advice or pre-approve changes to your Constitution
- provide advice about how to interpret your association's Constitution, or
- resolve internal disputes within your association.

4. What are the reporting requirements of an incorporated association?

An incorporated association is required to report to NSW Fair Trading:

- every year by lodging an annual summary of the association's financial situation (see [Part 8: Reporting to NSW Fair Trading](#) in this Guide)
- whenever a new public officer is appointed, or if the existing public officer's details change (see [Part 2: Appointing and Removing a Public Officer](#) in this Guide)
- if the address or name of the association change, and
- when certain key decisions are made by the association – for example, if the association passes a special resolution to change its name or its Constitution (see [Part 5: Annual General Meetings](#) and also [Part 6: Special General Meetings](#) in this Guide).

5. The Constitution and purposes of an incorporated association

Every incorporated association must have its own Constitution. The Constitution sets out in detail the procedures for running the association. Your association must follow its own Constitution.

Why follow the Constitution?

The Constitution is legally enforceable by members of your association. There are other good reasons for having to follow your Constitution. Your association's Constitution allows the members of your association to know how the association is to be run and managed, and how decisions will be made. It also means they can contribute to (or raise concerns about) the association's decision-making where appropriate.

Certain matters must be covered by your association's Constitution (these matters are listed in Schedule 1 of the AI Act). Your Constitution must also be consistent with laws, including the AI Act. Apart from these matters, your association has a fair degree of flexibility in establishing its Constitution. It should also cover the same matters dealt with in the Model Constitution, and may adopt those to suit its own requirements, so it complies with the AI Act and the AI Regulation.

Tip:

The Constitution of the association is a key source of information for public officers and office bearers, including secretaries. It is important that you read your association's Constitution, have an up-to-date copy handy and make sure your Constitution is consistent with the requirements of the AI

Remember!

If you don't follow your association's Constitution, you can be challenged by a member of the association for failing to do so. If there is a dispute between members of the association as a result of a failure of someone to follow the Constitution, the Constitution will set out the procedure for the resolution of internal disputes between members, as well as between members and the association. The Model Constitution sets out a procedure to resolve disputes via mediation between the members and the association. NSW Fair Trading does not get involved in the resolution of these types of disputes.

How to find out about an association's Constitution

An association has two choices for its Constitution and you need to know which one has been chosen. An association can either:

- adopt the "Model Constitution" (Schedule 1 of the AI Regulation), or
- write its own Constitution, by drafting a new Constitution from scratch or by making changes to the Model Constitution.

Regardless of which option an association chooses, the association's Constitution must cover all of the mandatory items listed in Schedule 1 of the AI Act.

An association can change its Constitution from time-to-time by following certain procedures. An association's current Constitution must be lodged with, and accepted by, NSW Fair Trading to be valid.

The different options available to an association when drafting and changing its Constitution can make it difficult for members and committee members, and the public officer to work out what the current official Constitution is. Some specific guidance is provided below.

What is the "Model Constitution"?

The Model Constitution is an example Constitution that complies with the minimum requirements of the AI Act – it is the standard form, or "fall back" or "default" position. The Model Constitution is set out in Schedule 1 of the AI Regulation and is available on the NSW Fair Trading website:

www.fairtrading.nsw.gov.au > cooperatives & associations > incorporating an association > about the Constitution > Model Constitution.

Many associations choose to adopt the Model Constitution when they become incorporated. An association can also convert to the Model Constitution after it incorporates (although this is less common).

Tip:

The Model Constitution can seem like a good option if you don't want to draft your own Constitution. But the Model Constitution is not "model" in the sense of being the "best" for every association – for example, if your association wants to access certain tax concessions it may need to consider whether the Model Constitution meets the necessary tax law requirements.

The Model Constitution can change over time if there are changes to the IA Regulation. If your organisation has adopted the whole of the Model Constitution, any changes to the Model Constitution over time will apply to your organisation automatically (with the new Model Constitution applying automatically from 1 September 2016, when changes to the AI Regulation were made). This means that you should check to see what the most up-to-date Model Constitution is – as this is the Constitution your association should be following.

Establishing your own Constitution

If your association has written its own Constitution, you should make sure that your Constitution covers all the matters required to be covered by Schedule 1 of the AI Act. You should also consider the matters covered in the Model Constitution and decide whether they need to be addressed in your Constitution; for example, what officer-bearers or committee members you will have and what titles they will be given.

You should also be aware that if your association's Constitution does not cover an item in Schedule 1 of the AI Act, the relevant Model Constitution provision that covers the particular item will be automatically included in your Constitution (section 25(2) of the AI Act). For example, if your association's Constitution does not specify the number of days' notice is required for a general meeting, then clause 28 of the Model Constitution will apply so that at least 14 days' notice is required, or 21 days' notice if a special resolution has been proposed.

The process of "reading in" Model Constitution provisions can become very confusing, so it is better to make sure your own Constitution covers all the required items listed in Schedule 1 of the AI Act.

Remember!

The Constitution of your association cannot override the AI Act or any other laws. If there is an inconsistency between the AI Act and a clause in your association's Constitution, the clause in your Constitution has no effect to the extent of the inconsistency (section 25(6) of the AI Act). If the AI Act says something must be covered in your Constitution, but your Constitution does not cover it, then the relevant part of the Model Constitution will fill the "gap" automatically (section 25(2) of the AI Act).

Depending on your association's application for incorporation, your association may have drafted its own Constitution, using some of the clauses in the Model Constitution as they were at the time when your organisation applied for incorporation, in combination with some clauses that you drafted. If so, the clause that you used from the Model Constitution at that time may not be the same as those clause in the latest

version of the Model Constitution in Schedule 1 of the AI Regulation because the Model Constitution in the AI Regulation has changed over time.

When reviewing your Constitution, you should make sure that you are reviewing the correct version. You can request a copy of your Constitution from NSW Fair Trading to make sure you have the most up-to-date version.

Remember!

If your association has written its own Constitution, or made changes to the Model Constitution, you must submit a copy of your Constitution to NSW Fair Trading who will either register it or reject it if there are problems with it (see sections 7, 12 and 99 of the AI Act). Your association's Constitution, including any changes to it, is not official (legally binding) until it is approved by and registered with NSW Fair Trading.

To check what your association's Constitution is, follow the steps in [Tool 1: Flowchart for working out what your association's current Constitution is](#).

6. What is the role of members of an incorporated association?

The members of an incorporated association have certain rights and responsibilities under the AI Act, the association's Constitution, and the law developed by the courts (judge-made law or common law). Importantly, members of the association can attend general meetings and vote on particular matters such as:

- electing the committee
- changing the association's name, purposes, or its Constitution
- amalgamating the association with one or more other associations, or
- winding up (ending) the association voluntarily.

An association's Constitution must set out the procedures for an "annual general meeting" and for "special general meetings"; formal meetings where the members can make official decisions. Both *annual* and *special* general meetings are "general meetings" in the Model Constitution.

Important:

To avoid confusion in terminology, the term "general meeting" is used in this Guide to mean any meeting of the members of the incorporated association, whether the annual one or a 'special general meeting'; which has been convened using the procedures for formal meetings of members in the association's Constitution. These procedures include giving notice of the meeting to members.

Under Schedule 1 of the AI Act an association's Constitution must also set out the rights, obligations and liabilities of members, including:

- the qualifications (if any) for membership of the association
- any fees, subscriptions or other amounts to be paid by members
- the procedure for disciplining members and handling internal disputes
- the process by which members may inspect the books and records of the association, and
- the liability (if any) of the association's members to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association.

The members of an incorporated association are not responsible for making decisions about the overall running of the association – that is the job of the committee (see below, [7. What is a committee?](#)). However, if you have drafted your own Constitution, you can require the committee to get member approval of certain decisions (for example, investment plans, or entering into contracts over a certain dollar value).

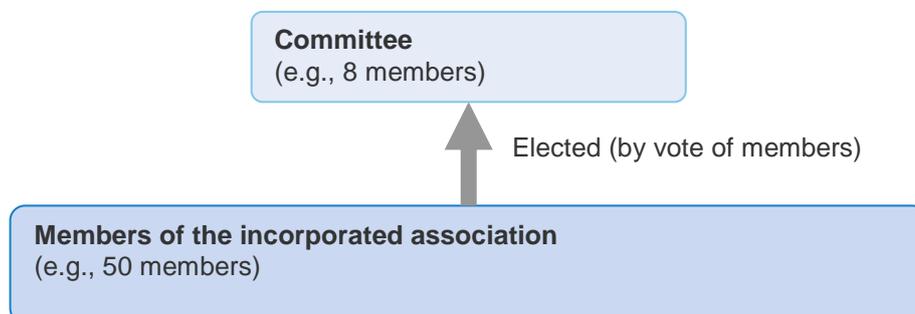
The members may be (and often are) involved in carrying out the association's activities (for example, helping teams with coaching), but this is different to having the *legal* responsibility for management of the association. Sometimes the line between these two can seem unclear or artificial. If the Constitution does not specifically state that a decision must be made by the members, then it is likely to come under the overall responsibility of the committee. The committee may then choose to delegate "the doing" to others (for example, involve members/volunteers/paid staff to actually "do" what is needed).

7. What is a committee?

Managing an incorporated association is the responsibility of an elected committee. Sometimes other names are used for this governing body, such as the "board", "council", "management committee" or "committee of management".

In many cases, the members of the association elect a small group of people. Under section 28(2) of the AI Act, the committee must be made up of at least three (or more) members of the association who are 18 years or over, and at least three of the committee members must reside in Australia. If the Constitution contains other qualifications or requirements for a committee member, these provisions must also be complied with, in addition to the requirements under the AI Act.

Diagram 1: Electing a committee (example only)



In some associations, all the members of the incorporated association are also members of the committee. This is not against the law – it often happens in small associations or when the association first begins.

When all the members of an association are also on the committee, it can seem strange to separate the governance of the association from the actual doing of the work. However, it is important to understand the separate (legal) role of the committee.

Governance - how the committee differ from “managers” of an association

Good governance practices are crucial to an association's ability to function, to achieve its objects, and to comply with all of the legal, ethical and operational requirements of an incorporated association.

Incorporated associations, especially small associations, often struggle to distinguish between:

- the role and responsibility of an association's committee (to govern the association), and
- the role and responsibility of the staff, “organisers” or key volunteers that are not on the committee (to manage the association).

While these two functions may be performed by the same group of people, distinguishing between issues of strategic governance and day-to-day management is important, as particular legal duties apply to the governance, but not management, of associations.

The 'governance' of an association is the responsibility of the committee, and generally refers to the direction and control of an association. This includes overseeing the affairs of the incorporated association and making sure its legal obligations are met. Members of the committee have particular legal duties under the AI Act, under judge-made law and under the Constitution, such as the duty of reasonable care, skill and diligence, the duty to disclose interests, duty not to misuse information or position and the duty to act

in good faith. NSW Fair Trading is responsible for enforcing these requirements and members also have the right to take action to enforce them.

In larger associations, different people may be "managers" (such as a CEO, finance manager or operations manager), and in smaller associations, "key volunteers" are responsible for making decisions about the day-to-day running of the association, based on the strategy decided by the committee. Normally these people do not need to comply with the legal duties that the committee must comply with, but occasionally, "managers" or "key volunteers" also need to comply with legal duties. This occurs where they are someone who is deeply involved in making key decisions that affect the operations of an association or who are influential in the affairs (financial or otherwise) of the association.

Are there special positions on the committee?

Commonly, there are a number of special positions on a committee. The people who take on positions on the committee are called "officers" or "office bearers" or "the executive" of the association. The titles of positions within a committee will vary between associations and will be as set out in the Constitution. Some common positions and their traditional roles are explained briefly below:

- the *chairperson* (or president) runs meetings and usually represents the association at public events
- the *deputy chairperson* (or vice-president) takes on the role of the chairperson when that person is not available
- the *treasurer* (or financial officer) deals with the financial affairs of the association
- the *public officer* reports to NSW Fair Trading and will undertake the role of secretary if no secretary is elected or if the public officer is separately elected as secretary. For further information about the role of the public officer, see [Part 3: Public Officer's Role, Powers and Duties](#) in this Guide, and
- the *secretary* organises meetings, deals with documents and keeps minutes and other records of the association.

The committee may have other members who are not office bearers. These are sometimes called "ordinary committee members". These members must also meet the duties that apply to members of the committee.

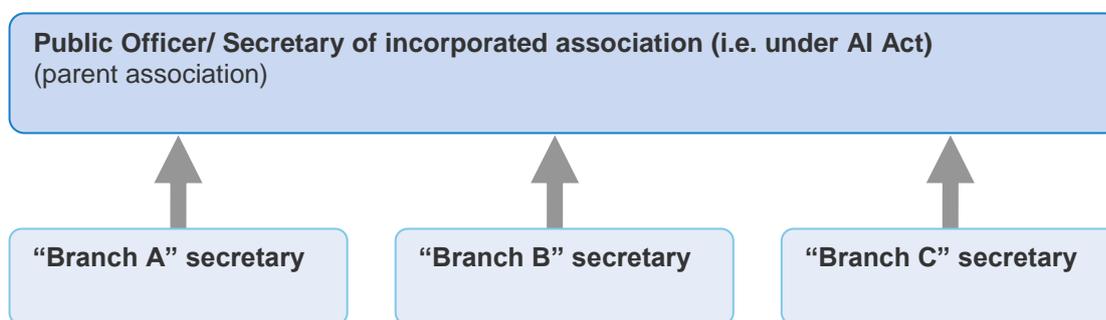
For more information about legal duties of committee members in your association, see Not-for-profit Law's Duties Guide on the Governance page of the Information Hub at www.nfplaw.org.au/governance.

Branches and branch secretaries

If an association is large, it may have branches if the Constitution provides for them. Each branch will usually have its own branch secretary (and possibly its own committee), reporting to the secretary, public officer or committee of the parent association (see Diagram 2 below).

In most cases, branches are not separately incorporated under the AI Act, the rules of the parent association control the branch, and a member of the branch is a member of the parent association. As a result, a branch secretary is not the “secretary” or “public officer” for the purposes of the AI Act. Only the secretary or public officer of the parent association performs these statutory roles.

Diagram 2: Example of branch secretaries reporting to secretary of parent association



If an association chooses to establish branches, it is good practice for the governance arrangements for the branches to be explained in the Constitution of the association. An association with branches should draft its own, tailored Constitution rather than adopt the Model Constitution.

8. Who is the public officer?

The public officer of an incorporated association has responsibilities under the AI Act for submitting forms and documents to NSW Fair Trading, and is the primary public contact person for the association.

The public officer may, but does not need to, be part of the committee. For example, the public officer could be an employee of an association (for instance, the general manager), who is neither a member of the committee nor a member of the association. Under the Model Constitution, the public officer is not a member of the committee.

Important:

If you have just been appointed as the public officer (or you are the existing public officer and your details have changed), you need to notify NSW Fair Trading – even if your association or the previous people in your role have not done this in the past.

See [Part 2: Appointing and Removing a Public Officer](#) in this Guide for more information about who can be a public officer, how they are appointed, and what happens next.

9. Who is the secretary?

The AI Act does not require associations to appoint a secretary, however, an association will usually have a secretary and the Model Constitution provides for one and lists various duties of the association's secretary.

The "secretary" means the person who has been elected as secretary by an association's members at an annual general meeting, or, if no person has been elected, the public officer will automatically assume the additional role of secretary and must fulfil the secretary's duties as set out in the Constitution. Depending on your association's particular circumstances, the public officer and secretary roles may be held by either the same person or by two different people.

If you act as both the public officer and secretary of an association, it is important to understand in which capacity you are acting (i.e. which "hat" you are wearing) when attending to matters on behalf of the association. This will ensure that you comply with all of your relevant duties for your particular roles.

There is no restriction at law or in the Model Constitution on a public officer standing for election as an association's secretary (or any other committee position). However, if your association has not adopted the Model Constitution, you should check your Constitution to see if this is permitted or prohibited.

Consequently, unless your Constitution states otherwise, a public officer can assume the role of secretary by two different means: election (a person must be elected to both the role of public officer and the role of secretary) or automatic effective appointment (where a public officer's appointment as a secretary is automatically effective when they are elected as a public officer). This distinction may be relevant if a new candidate stands for election or the members wish to remove the secretary from office.

10. Where can I go for information and assistance?

Not-for-profit Law

Not-for-profit Law is a specialist legal service for community organisations. Not-for-profit Law is a service of Justice Connect which is a not-for-profit community legal centre. Not-for-profit Law's Information Hub contains plain language information, fact sheets and guides to help not-for-profit organisations (including incorporated associations) with a range of legal and governance issues. Not-for-profit Law can also help you access free legal advice if you meet its eligibility criteria. See the Not-for-profit Law website:

www.justiceconnect.org.au/nfplaw.

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NOT-FOR-PROFIT LAW |

The Not-for-profit Law Information Hub at www.nfplaw.org.au has the following related resources:

- See [Getting Started > Before you start](#), for issues to consider before you start an association, and download the factsheet: “What does ‘not-for-profit’ mean?”
- See [Getting Started > The incorporation decision](#), and download the factsheet: “What is ‘incorporation’ and does our group need to incorporate?”
- See [Getting Started > Choosing a legal structure](#), and download the factsheets “Which incorporated legal structure should we choose?” and “Incorporated association or company limited by guarantee?”, and
- See [Getting Started > Setting up your organisation](#), and download the factsheet “Incorporating as an incorporated association”
- See [Running the organisation > Governance](#) and legal duties of office holders, and download the factsheet: “Duties Guide” and “Financial problems or insolvency”
- See [Insurance and risk > Work health and safety](#), and download the factsheet: “Work health and safety laws”
- See [Running your organisation > Rules or Constitution](#), and download the factsheet “Changes to an organisation’s constitution or rules”.

Legislation

The [Associations Incorporation Act 2009 \(NSW\)](#) is the legislation that regulates incorporated associations in New South Wales.

The [Associations Incorporation Regulation 2016 \(NSW\)](#) contains additional requirements for incorporated associations in New South Wales. Schedule 1 of the AI Regulation contains the Model Constitution.

Government

NSW Fair Trading

NSW Fair Trading's website contains helpful information about the operation of incorporated associations in New South Wales. See www.fairtrading.nsw.gov.au > [Cooperatives and associations](#).

Additional contact details for NSW Fair Trading are as follows:

Address: 60 Station Street, Parramatta

Postal Address: NSW Fair Trading, PO Box 972, Parramatta 2124

Telephone No.: 13 32 20 (between 8:30am and 5:00pm Monday to Friday)

Australian Taxation Office

The Australian Taxation Office (**ATO**) publishes a wide range of information packs and factsheets on tax issues for not-for-profit (called “non-profit” by the ATO) organisations. The ATO website provides access to these and other resources, and also online services. See www.ato.gov.au > [Non-profit](#).

Other links

Infoxchange Australia empowers individuals, networks organisations and connects communities by providing access to information technology. See www.infoxchange.org.au.

OurCommunity is a (for-profit) social enterprise that provides advice and tools for community groups and schools, and practical linkages between the community sector and the public, business and government. See www.ourcommunity.com.au.

"The Law Handbook" is published by Thomson Reuters and provides information on a range of legal topics (based on New South Wales Law). It has a chapter on legal structures for community organisations (Chapter 8) which is particularly relevant to community groups. It also covers contracts, employment, disability law and has a useful glossary. It is made available free online by the Legal Information Access Centre and is available to access at www.legalanswers.sl.nsw.gov.au/guides/law_handbook/index.html.

Tool 1: Flowchart for working out what your association's current Constitution is

