

Office use only	
Received Date	
Paid	\$

# Application for Transfer of Activities of an Incorporated Association Part 1

## Details of Association

Provide details of the association

Full name of the association: \_\_\_\_\_

Registration number: 

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## Legislative context

### 42—Power of Commission to require transfer of activities

- (1) Where the Commission is of the opinion—
- (a) that an incorporated association has ceased to be an association eligible to be incorporated under this Act; or
  - (b) that the undertaking or operations of an incorporated association are being carried on by a body corporate incorporated under some other Act, or would more appropriately be carried on by such a body corporate, it may give notice to the association under this section.

This application is submitted under section 42(1)

Please outline by attachment the reasons why:

- the undertaking or operations of the association are being carried on by a body corporate incorporated under some other Act; **or**
- the undertaking or operations of the association would more appropriately be carried on by another body corporate incorporated under some other Act.

Any document required to accompany the application must comply with the following:

The document must be marked with:

- the name and registered number of the incorporated association to which it relates; and
- a title that describes its contents; and
- the name, address and telephone number of the person to be contacted about the application.

Print all information using BLOCK LETTERS in blue or black ink.

## Authorised Signatory

Full name of authorised person \_\_\_\_\_  
(Name of authorised person)

Signature of authorised person \_\_\_\_\_ Date \_\_\_\_\_  
(Signature of authorised person)

Email \_\_\_\_\_ Phone \_\_\_\_\_

## Important Information

### Notice to Association

If the Commission agrees under s42(1)(b) that the activities of the Association are being or would more appropriately be carried out by a different body corporate, such as a company limited by guarantee, the Commission will issue a Notice to the Association. The Notice will provide the Association three (3) months to formally request the Commission to transfer the activities of the Association to the proposed body corporate (see below as to formal request to transfer).

If the association is a 'prescribed association' prior to the transfer, all financial reporting obligations (periodic returns) must be lodged with CBS prior to the transfer of activities.

### Formal Request to Transfer

If the Association wishes to formally request the Commission to transfer the activities to the proposed body corporate, the Association must, within 3 months of the Notice, provide CBS with a Part 2 application and the required documentation under section 42(2).

### Published Order

Upon receipt of the Part 2 application within three (3) months of the date of the Notice referred to above, the Commission will assess the Part 2 application and if satisfied, the Commission will issue an Order declaring the incorporated association is dissolved and which body corporate the property and associated rights and liabilities have been transferred to. The Order will be published in the Government Gazette and take effect from that date.

## Where to lodge this form

<p><b>Email</b> Scan and email to <b><u><a href="mailto:associations@sa.gov.au">associations@sa.gov.au</a></u></b></p>	<p><b>Post</b> Registration Unit GPO Box 1719 ADELAIDE SA 5001</p>	<p><b>In person</b> Customer Service Centre 91 Grenfell Street ADELAIDE SA 5000</p>
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# Application for Transfer of Activities of an Incorporated Association Part 2

## Details of Association

Provide details of the association

Full name of the association: \_\_\_\_\_

Registration number: 

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Legislative context

**42—Power of Commission to require transfer of activities**

...

(2) If, within three months of the date of a notice under subsection (1), the incorporated association requests the Commission to transfer its undertaking to a body corporate specified in the request, the Commission may, by instrument published in the Gazette, order that the undertaking of the association be transferred accordingly.

(3) On the date specified in the order under subsection (2)—

- (a) the incorporated association is dissolved; and
- (b) the property of the association becomes the property of the body corporate referred to in the order; and
- (c) the rights and liabilities of the association (whether certain or contingent) become rights and liabilities of the body corporate referred to in the order.

This application is submitted under section 42(2)

Please provide by attachment:

- A copy of the new company certificate
- A copy of the minutes of the meeting at which the transfer was voted on by the members (if the association has members)
- A copy of the articles of association establishing the company limited by guarantee.

Any document required to accompany the application must comply with the following:

The document must be marked with

- the name and registered number of the incorporated association to which it relates; and
- a title that describes its contents; and
- the name, address and telephone number of the person to be contacted about the application.

Print all information using BLOCK LETTERS in blue or black ink.

## Authorised Signatory

Full name of authorised person \_\_\_\_\_  
(Name of authorised person)

Signature of authorised person \_\_\_\_\_ Date \_\_\_\_\_  
(Signature of authorised person)

Email \_\_\_\_\_ Phone \_\_\_\_\_



## Important Information

### Notice to Association

If the Commission agrees under s 42(1)(b) that the activities of the Association are being or would more appropriately be carried out by a different body corporate, such as a company limited by guarantee, the Commission will issue a Notice to the Association. The Notice will provide the Association three (3) months to formally request the Commission to transfer the activities of the Association to the proposed body corporate (see below as to formal request to transfer).

If the association is a 'prescribed association' prior to the transfer, all financial reporting obligations (periodic returns) must be lodged with CBS prior to the transfer of activities.

### Formal Request to Transfer

If the Association wishes to formally request the Commission to transfer the activities to the proposed body corporate, the Association must, within 3 months of the Notice, provide CBS with a Part 2 application and the required documentation under section 42(2).

### Published Order

Upon receipt of the Part 2 application within three (3) months of the date of the Notice referred to above, the Commission will assess the Part 2 application and if satisfied, the Commission will issue an Order declaring the incorporated association is dissolved and which body corporate the property and associated rights and liabilities have been transferred to. The Order will be published in the Government Gazette and take effect from that date.

## Where to lodge this form

<p><b>Email</b> Scan and email to <b><u><a href="mailto:associations@sa.gov.au">associations@sa.gov.au</a></u></b></p>	<p><b>Post</b> Registration Unit GPO Box 1719 ADELAIDE SA 5001</p>	<p><b>In person</b> Customer Service Centre 91 Grenfell Street ADELAIDE SA 5000</p>
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