Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**
Consumer Protection

FORM 5

Notice of special resolution to change the rules

Associations Incorporation Act 2015 s 30

Purpose

Use this application form to lodge the changes made to an incorporated association's rules (also commonly known as the constitution) by special resolution of its members in accordance with the *Associations Incorporation Act 2015* (the Act).

Instructions

- Type directly into this form electronically before printing and signing it or hand print neatly using an ink pen in block letters.
- Tick ☑ where appropriate and attach additional pages if space in this form is insufficient.
- Attach a full copy of the rules if the association is using its own rules
- An incomplete application cannot be processed
- Please do not staple the documents

OFFICE USE ONLY

SECTION A: INCORPORATED ASSOCIATION PARTICULARS

1. What is the name of the incorporated association?
   The association's name as shown on the certificate of incorporation.

2. What is the incorporated association's registration number (IARN):

SECTION B: SUBJECT OF THE SPECIAL RESOLUTION

3. Date of the meeting where changes were passed by special resolution?

Day	*Month*	*Year*

If it has been more than 28 DAYS since the resolution was passed, it will be necessary to include details of why further time to lodge this application should be granted. For example, any mitigating circumstances. (An additional fee applies)

4. The association will be:

☐ adopting the PRESCRIBED MODEL RULES
▶ **Complete Section C. (page removed)**

☑ changing its OWN RULES
▶ **Complete Section D**

SECTION D: DETAILS OF THE SPECIAL RESOLUTION AFFECTING OWN RULES

Complete this section only if the association is using its own rules.

Which area of the rules has the special resolution affected?

☐ Name ▶ Write the **new** name in the space below:

☐ Objects or Purposes ▶ Write the **new** objects or purposes in the space below:

If there is insufficient space, please write refer to attached "Rules"

☑ Distribution of surplus property ▶ Write the **new** terms for distributing the associations surplus property in the space below:

Refer to the attached 'Rules'

If there is insufficient space, please write refer to attached "Rules"

☑ Any other rule clauses ▶ Write the rules/clause numbers that have been changed or indicate that a new set of rules has been adopted

A new set of rules has been adopted.

Please complete the own rules matters on the following page.

Own Rules Matters

All of the matters must be fully provided for in the association's rules unless a matter will cause undue hardship to the members and the association is applying for an exemption.

Write the clause number from the association rules that corresponds with each matter or if applying to be exempted from including a matter write "exemption". ***Note: An extra fee applies for exemptions.***

Matter	Clause number from associations rules
1. The name of the incorporated association.	1
2. The objects or purposes of the incorporated association.	2
3. The eligibility criteria (if any) for a person to become a member of the association and details on when membership starts and ends.	6, 6.5, 8
4. The register of members of the incorporated association.	6.6, 16.3
5. The entrance fees, subscriptions and other amounts to be paid by members (if any).	7
6. The name, composition and powers of the management committee including:	11, 12, 14
a. The election or appointment of members of the committee.	12.2
b. The terms of office of members of the committee.	13
c. The grounds on or reasons for which the office of a member of the committee shall become vacant.	14.3
d. The filling of casual vacancies occurring on the committee.	12.3.1
e. The quorum and procedure at meetings of the committee.	25.1, 26
f. The making and keeping of records of the proceedings at meetings of the committee.	16.2
g. The circumstances (if any) in which payment may be made to a member of the committee out of the funds of the association.	5
7. The quorum and procedure at general meetings of members of the incorporated association.	15, 25, 25.2, 26
8. The notification of members or classes of members of general meetings and their rights to attend and vote at those meetings.	24, 27
9. The time within which, and manner in which, notices of general meetings and notices of motion are to be given, published or circulated.	24, 33.2
10. The percentage of members who may at any time require that a general meeting be convened.	23.3.1
11. The manner in which the funds of the association are controlled.	14.1, 17
12. The day in each year on which the financial year of the incorporated association commences.	4
13. The intervals between general meetings of members and the manner of calling general meetings.	23, 23.1.1, 24
14. The manner of altering and rescinding the rules and of making additional rules of the incorporated association.	31.1, 31.2
15. Provisions for the custody and use of the common seal of the incorporated associations (if it has one).	29
16. The custody of books and securities of the incorporated association.	16.4, 17.13
17. The inspection by members of the incorporated association of records and documents of the incorporated association.	20
18. A procedure for dealing with any dispute under or relating to the rules between members and between members and the incorporated association	28
19. The manner in which surplus property of the incorporated association must be distributed or dealt with if the association is wound up or its incorporation cancelled.	35.2
20. A statement that the property and income of the association must be applied solely towards promoting the associations objects or purposes and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in promoting those objects or purposes.	5

The association's financial year will be the 12 month period starting from:

Day	Month		Day	Month
		to		

SECTION E: APPLICANT'S PARTICULARS & DECLARATION

*Tick only **one (1)** option. If you do not hold a position on the committee, select the Agents declaration and provide a signed copy of the **Certificate and statement of a management committee member**.*

☐ **Committee Member's declaration**

I certify that

- I am a duly elected committee member of the association;
- the alterations to the rules covered in this Notice of Special Resolution to change rules were duly passed by resolution of members at a general meeting called in accordance with the rules and the requirements of the Act; and
- I acknowledge that it is an offence under section 177 of the Act to make a false and misleading declaration in relation to this application.

☑ **Agent's declaration**

I certify that:

- I am authorised by the association's committee to lodge this application any accompanying documents under the Act;
- I have prepared this application in accordance with the information supplied by the association's committee;
- I have attached a Certificate and Statement of a Committee Member form signed by a member of the association's management committee; and
- I acknowledge that it is an offence under section 177 of the Act to make a false and misleading declaration in relation to this application.

Signed		Date	
Title	☐ Mr ☐ Mrs ☑ Ms ☐ Miss ☐ Other ▶ _____		
Name	Karen	Surname	Izard
Street or PO	PO Box 6295		
Suburb	EAST PERTH		
State	WA	Postcode	6892
Telephone	08 9264 4004	Mobile	
Email	corporatesupport@wacsso.wa.edu.au		

IMPORTANT: Before you submit this form, check that you have provided true and correct information.

Privacy Statement – please read. The Department of Mines, Industry Regulation and Safety, Consumer Protection Division is collecting and holding information supplied for the purposes of the Act. In accordance with this legislation, a copy of this form and the information it contains will be available for purchase by the public upon payment of a prescribed fee.