

Incorporated Associations

Requirements for Members of Committees

The Corporate Affairs Commission (the Commission), through Consumer and Business Services (CBS), is responsible for administering the *Associations Incorporation Act 1985* (the Act) and for keeping a register of incorporated associations.

This document sets out information about people who are prohibited from being members of the committee of an incorporated association without the prior approval of the Commission.

Insolvent under Administration

A person who is an **insolvent under administration** must not, without the permission of the Commission, be a member of the committee of an incorporated association, or be in any way, whether directly or indirectly, concerned in or take part in the management of an incorporated association.

Convictions

A person who has been convicted of the following offences within or outside South Australia must not, within a period of five years after their conviction or, if they were sentenced to imprisonment, after their release from prison, without the permission of the Commission, be a member of the committee of an incorporated association, or be in any way, whether directly or indirectly, concerned in or take part in the management of an incorporated association:

- on an indictment of an offence in connection with the promotion, formation or management of a body corporate
- of an offence involving fraud or dishonesty punishable on conviction by imprisonment for a period of not less than three months
- of an indictable offence
- of an offence against section 39A of the Act being:
 - that an officer of an incorporated association, in the exercise of his or her powers or the discharge of the duties of his or her office, committed an act with intent to deceive or defraud the association, members or creditors of the association or creditors of any other person or for any fraudulent purpose
 - that an officer or employee of an incorporated association, or former officer or employee of an incorporated association, improperly used information acquired by virtue of his or her position in the association so as to gain, directly or indirectly, a pecuniary benefit or material advantage for himself or herself or any other person, or so as to cause a detriment to the association
 - that an officer or employee of an incorporated association improperly used his or her position as such an officer or employee so as to gain, directly or

- indirectly, a pecuniary benefit or material advantage for himself or herself or any other person, or so as to cause a detriment to the association
- that an officer of a **prescribed association** did not act with reasonable care and diligence in the exercise of his or her powers or in the discharge of the duties of his or her office
- an offence against a provision applied by section 41B of the Act being an offence relating to the winding up of an incorporated association by the Supreme Court
- an offence against section 60 of the Act being that a person, in order to gain an advantage for himself or herself or any other person, falsely represented that a body was an association incorporated under the Act.

Applications for Permission

Applications for the permission of the Commission to be a member of a committee, where the circumstances above apply, can be made using [this online form](#). A fee applies.

Glossary

Gross receipts – the **gross receipts** of an incorporated association means the total amount of the receipts of the association including any grant or subsidy paid to or on behalf of the association by the Government of South Australia or the Commonwealth, local government agency or an agency of the Crown in right of the State or the Commonwealth, but does not include an money received by the association by way of a membership fee, subscription, levy or other fee, if any, paid by a member, or as a devise or bequest, or from the sale of any of the association's assets that had not been originally purchased by the association for the purpose of resale.

Insolvent under administration – means a person who:

- under the *Bankruptcy Act 1966* (Cth) is a bankrupt in respect of a bankruptcy from which he or she has not been discharged
- under the law of a country other than Australia has the status of an undischarged bankrupt,

and includes –

- a person who has executed a deed of arrangement under Part 10 of the *Bankruptcy Act 1966* (Cth) or the corresponding provisions of the law of a country other than Australia where the terms of the deed have not been fully complied with
- a person whose creditors have accepted a composition under Part 10 of the *Bankruptcy Act 1966* (Cth) or the corresponding provisions of the law of a country other than Australia where a final payment has not been made under that composition.

Prescribed association – an incorporated association that had **gross receipts** in that association's previous financial year in excess of \$500 000.