

Incorporated Associations

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The Victorian Government's Action Plan: Strengthening Community Organisations



- Launched by the Premier at the ACOSS meeting in April 2008
- Responds to two important reviews into the NFP sector
 - Stronger Community Organisations Project (SCOP)
 - Review of the Not-for-Profit Regulation led by the SSA
- Available on the DPCD website
- www.dvc.vic.gov.au

The Victorian Government's Action Plan: Strengthening Community Organisations



The action plan has two objectives:

1. To ensure that, in its direct interactions with community and non-profit organisations, government acts in ways that are simple, easy to navigate and designed to optimise value to the community
2. To create an environment for community organisations to also invest in their own capabilities and long term sustainability

The Victorian Government's Action Plan: Strengthening Community Organisations



25 Actions set out in five themes:

1. Reducing the regulatory burden and streamlining interaction with government (1-11)
2. Building the capacity of community organisations (12-16)
3. Supporting innovation and growth (17-18)
4. Enhancing the role of NFPs in local community life, and (19-22)
5. Recognising community organisations and coordinating effort across government(23-25)

The Action Plan



1. Reducing the burden of reporting
2. Regulatory consistency
3. Review of audit requirements
4. Amendments to trading and model rules

The Action Plan



5. Additional administrative reforms
6. Update of the Fundraising Appeals Act
7. Enhancing regulatory awareness and engagement
8. Enhanced regulatory support

The Action Plan



9. Ensuring service agreement consistency
10. Grants reform
11. Inter-governmental collaboration and reform
12. Investing in leadership development

The Action Plan

13. A Community Services Workforce Capability Framework
14. Community sector placement and mentoring
15. Increasing the skills and engagement of volunteers

The Action Plan



16. Developing organisational support services and networks
17. Building capacity for innovation and growth
18. Developing community enterprise
19. Sharing facilities and infrastructure

The Action Plan



20. Stronger role for community foundations
21. Attracting more support to local sport and recreational associations
22. Local government community planning and engagement

The Action Plan



23. Establish the Office for the Community Sector
24. Facilitating dialogue and exchange between the sectors
25. Supporting a new representative body for community organisations

Transfer of Incorporation

An incorporated association may apply to become registered or incorporated as a prescribed body corporate (s31AA).

For the purposes of the Act, a “prescribed body corporate” means:

- a company;
- a co-operative; or
- any body corporate established under a law applying in Victoria and that is prescribed for the purposes of the AIA

Notifying CAV of a Transfer of Incorporation



An incorporated association must notify the Registrar in writing of its transfer of incorporation within 14 days after it is registered or incorporated as a prescribed body corporate.

What to lodge with CAV

- brief letter outlining the details of the transfer of incorporation;
- copy of the certificate of registration or incorporation as a prescribed body corporate;
- copy of the minutes of the meeting where the members approved the transfer of incorporation; and
- any outstanding annual statements.

Effect of Transfer of Incorporation



- Once an incorporated association is registered or incorporated as a prescribed body corporate, the incorporated association ceases to be incorporated under the Associations Incorporation Act.
- The transfer of incorporation does not affect the identity of the association. The organisation is deemed to be the same body before and after the transfer of incorporation.

Registration of a body corporate as an Australian Company



- Australian Securities & Investments Commission (ASIC)
- *Corporations Act 2001*
- Body Corporate includes foreign company, association, co-operative
- Form 202
- $\frac{3}{4}$ of the associations members who vote at the meeting must consent to the intention to apply for the transfer
- Certified copy of the associations certificate of incorporation
- Certified copy of the associations rules

How to contact CAV



Online- www.consumer.vic.gov.au

Telephone- Suza Josevska
(03) 8684 6202

In Person- Victorian Consumer & Business
Centre

113 Exhibition Street
Melbourne

-Regional Offices

By mail- GPO Box 4567, Melbourne 3001