



**Australian Government**

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**Office of the Registrar of Aboriginal  
and Torres Strait Islander Corporations**

## **Comparative table of Commonwealth, state and territory incorporation legislation**

### **Snapshot**

This document provides general information about incorporation statutes in Australia. It is not intended to be legal advice.

While best efforts have been made to ensure the information in this document is accurate the Registrar makes no guarantee that the information contained in this document is correct.

The laws on which this document is based are subject to change, so may not be current. Please check relevant legislation directly or seek independent legal advice.

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Published March 2008

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## 1. Purpose

There are advantages to an Indigenous group becoming a corporation and separate legal entity. However, incorporation is voluntary for most groups, and Indigenous groups can either incorporate with the Registrar's office, under their state or territory Associations legislation, or with the Australian Securities and Investments Commission (ASIC) under the *Corporations Act 2001*.

The table below allows groups to compare different ways of registering as a corporation.

Whether registration under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) and the Registrar's office is appropriate for particular Aboriginal or Torres Strait Islander organisations depends on individual circumstances. Some factors unique to the CATSI Act include:

- Indigeneity—a majority of members and directors must be Indigenous
- Internal governance rules—a corporation's constitution must meet minimum standards of governance and must be approved by the Registrar
- Purpose—some types of organisations are inappropriate for registration under the CATSI Act, for example trade unions or corporations providing financial services
- Corporate membership—bodies corporate or peak bodies can become members
- Specialised assistance—in contrast to other regulators, the Registrar can provide assistance to CATSI corporations
- Specialised regulatory powers—the Registrar has the power to appoint examiners and administrators
- Mandatory incorporation—corporations holding or managing native title under the *Native Title Act 1993* and the Native Title (Prescribed Bodies Corporate) Regulations 1999 must be incorporated under the CATSI Act
- Transfers—the CATSI Act contains transfer provisions which allow organisations to transfer to the CATSI Act provided they meet the minimum requirements (for example the Indigeneity requirement).

An application for registration under the CATSI Act can be downloaded from our website at [www.oratsic.gov.au](http://www.oratsic.gov.au). It is free and contains further information about the steps and documentation required to register under the Act.

## 2. Assistance

Under the CATSI Act the Registrar can:

- provide advice to people about registration, rules and the operation of a corporation
- assist with resolving disputes
- assist with complaints under the CATSI Act
- make available public information
- conduct public education programs
- conduct research and develop policy proposals.

This means the Registrar's office can provide a higher level of assistance to corporations than if they incorporate in another way.

### **3. Training**

The Registrar's office has a training program, which includes information sessions and non-accredited and accredited training.

Information sessions are offered to Indigenous groups who want to register. They usually cover:

- what registering as a corporation actually means
- the costs, benefits and legal responsibilities involved
- whether registering as a corporation is required or necessary for your group
- the key features of registering under the CATSI Act
- other options for registering under state or federal law
- how to develop a good corporation rule book.

The Registrar's office also offers interactive three-day Introductory Corporate Governance Workshops. These workshops are targeted at highest need sites and groups. Entry is by application, and participants sign joint learning agreements. After completing the workshop, participants are encouraged to continue with accredited training, including the Certificate IV in Business (Governance) and the Diploma in Business (Governance).

Certificate IV in Business (Governance) is a nationally recognised training package developed specifically for Indigenous people who wish to attain recognised skills in corporate governance and management. It is a competency-based training program that requires participants to demonstrate their competence in a range of skills relevant to corporate governance.

### **4. Benefits of incorporating under the CATSI Act**

The main benefits of registering under the CATSI Act are that:

- the members can choose, when they register the corporation, not to be liable for the debts of the corporation
- the rule book that governs how the corporation is run can take into account Aboriginal or Torres Strait Islander customs and traditions
- Aboriginal and Torres Strait Islander corporations can operate nationally—they are not limited to the state or territory where they are registered
- it is free to register as an Aboriginal and Torres Strait Islander corporation—unlike other regimes that may charge a fee
- sometimes the Registrar may exempt corporations from lodging annual reports
- profits of the corporation can be distributed to members if the rule book allows for this
- Aboriginal and Torres Strait Islander corporations can access client assistance, support and information and training programs offered by the Registrar of Aboriginal and Torres Strait Islander Corporations.

## **5. Legislation covered in this table**

*Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (CATSI Act)

*Corporations Act 2001* (Cth) (companies limited by guarantee)—plus *Australian Securities and Investments Commission Act 2001* (Cth) (ASIC Act), where relevant

*Associations Incorporation Act 1991* (ACT)

*Associations Incorporation Act 1984* (NSW)

*Associations Act 2003* (NT)

*Associations Incorporation Act 1981* (Qld)

*Associations Incorporation Act 1985* (SA)

*Associations Incorporation Act 1964* (TAS)

*Associations Incorporation Act 1981* (VIC)

*Associations Incorporation Act 1987* (WA)

## 6. Comparative table of Commonwealth, state and territory incorporation legislation

TOPIC	CATSI Act	Corporations	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>A. Requirements for incorporation</b>										
<b>Purpose</b>	A CATSI corporation's constitution must set out its objects. The Registrar cannot register a trade union, a body providing financial services or any body prescribed by regulation.	A company's purpose is not restricted, but No Liability companies can only carry on mining activities.	An association must be formed for a lawful purpose/object. An association may not be incorporated (unless the Minister otherwise agrees) if: a) formed for the purpose of trading or securing profits for members b) it is a trade union/industrial organisation c) it has capital or property divided into shares held by members.	An association must be formed for a lawful purpose/object. An association may not be formed for the purpose of trading or securing profits for members. Association cannot: a) have shares b) be a trade union/industrial organisation c) be a Cooperative, Friendly Society, Corporations Act corporation or Aboriginal Corporation.	Trading associations are permitted to be incorporated. An association may also be formed for a prescribed purpose (religious, educational, sporting, medical, cultural etc) or another purpose approved by the Minister. Associations (excluding trading associations) must not distribute profits to members.	No requirement for associations to be formed for any particular purpose. However, an association is ineligible if it: a) is a corporation, trade union, partnership or school council b) is formed for the purpose of providing financial gain for its members c) holds property as its main purpose and certain other conditions apply d) has an object of raising funds by subscription to make loans to its members.	An association must be formed for a specified purpose (religious, educational, charitable, promotion of the arts, sporting, medical, recreational, social etc) or for a purpose approved by the Minister. An association may not be formed for the purpose of trading or securing profits for members.	An association may be formed for or carried on prescribed purposes including, for example: a) religious, educational, benevolent, or charitable purposes b) providing medical treatment or attention c) promoting or encouraging literature, science or art d) recreation or amusement or e) establishing, managing, carrying on, or beautifying a community centre. The Minister may declare an association, an association for the purposes of the Act. An association must not be formed for trading/securing profits for members.	An association's purpose and rules must be consistent with the Act and the law. An association may not be formed for the purpose of trading or securing profits for members.	An association must be formed for a prescribed purpose including, for example: a) religious, educational, charitable, or political purposes b) encouraging literature, science or the arts c) establishing, carrying on, or improving a community, social or cultural centre d) promoting the interests of the local community or e) for a purpose approved by the Commissioner. An association may not be formed for the purpose of trading or securing profits for members.

Comparative table of Commonwealth, state and territory incorporation legislation

TOPIC	CATSI Act	Corporations	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Application</b>	<p>Application may be made to the Registrar for registration of a CATSI corporation or an existing body corporate as a CATSI corporation.</p> <p>An application must include required details such as, for example:</p> <ul style="list-style-type: none"> <li>a) corporation's proposed name</li> <li>b) whether, for its first financial year, the corporation is expected to be a small, medium or large corporation</li> <li>c) details of members, directors and secretary or contact person</li> <li>d) members liability (if any) to contribute to payment of the debts/liabilities of corporation.</li> </ul>	<p>Application for incorporation must be lodged with ASIC and include required details such as, for example:</p> <ul style="list-style-type: none"> <li>a) the type of company</li> <li>b) the proposed name</li> <li>c) details of members and directors and secretary</li> <li>d) registered office and principal place of business</li> <li>e) details of any holding company.</li> </ul>	<p>Application for incorporation must be made to the Registrar-General by a person authorised by the association, who is over 18 and resident in the ACT.</p> <p>The Application must include required details such as, for example:</p> <ul style="list-style-type: none"> <li>a) objects/ purposes and Rules of the association</li> <li>b) registered office details</li> <li>c) details of committee members and public officer.</li> </ul>	<p>Application for incorporation must be made to the Director General by a person authorised by the association, who is over 18 and resident in the state.</p> <p>Application must include required details such as, for example:</p> <ul style="list-style-type: none"> <li>a) objects/ purposes and Rules of the association</li> <li>b) proposed name and</li> <li>c) the address at which its activities are to be carried on.</li> </ul>	<p>Application for incorporation is made to the Commissioner by a person authorised by the association, who is over 18 and resident in the NT.</p> <p>An application must include required details such as, for example:</p> <ul style="list-style-type: none"> <li>a) objects/ purposes and Rules of the association</li> <li>b) proposed name</li> <li>c) the address at which its activities are to be carried on and</li> <li>d) for a trading association, the ethnic community to which members belong and how the committee was formed.</li> </ul>	<p>Application for incorporation is made to the Chief Executive by a person appointed by the association.</p> <p>An application must include required details including, for example, whether or not model rules apply and, if not, the proposed rules plus a statutory declaration stating the rules comply with the Act.</p>	<p>Application for incorporation is made to the Commissioner by a person authorised by the association.</p> <p>An application must include required details including, for example:</p> <ul style="list-style-type: none"> <li>a) objects/ purposes and rules of the association</li> <li>b) proposed name and address and</li> <li>c) the name and address of the public officer.</li> </ul>	<p>Application for incorporation is made to the Commissioner by a person authorised by the association.</p> <p>An application must include required details including, for example:</p> <ul style="list-style-type: none"> <li>a) objects/ purpose</li> <li>b) name and address of the public officer</li> <li>c) proposed rules or amendments to model rules.</li> </ul>	<p>Application for incorporation is made to the Registrar by a person authorised by the association, who is over 18 and resident in the state.</p> <p>An application must include required details including, for example:</p> <ul style="list-style-type: none"> <li>a) objects/ purpose and rules of the association</li> <li>b) proposed name</li> <li>c) address at which its activities are to be carried on and</li> <li>d) details of the public officer.</li> </ul>	<p>Application for incorporation is made to the Commissioner by a person authorised by the association.</p> <p>An application must include required details including, for example, the association's proposed rules.</p>
<b>Proposed name</b>	<p>A CATSI corporation may use any available name, but the name must include one of the following sets of words:</p> <ul style="list-style-type: none"> <li>a) 'Aboriginal corporation'</li> <li>b) 'Torres Strait Islander'</li> </ul>	<p>A company may use any available name, but the word 'limited' or 'Ltd' must appear at the end of most (but not all) company names.</p>	<p>An association may use any available name, but the name must include 'Incorporated' or 'Inc'.</p>	<p>An association may use any available name, but the name must include 'Incorporated' or 'Inc'.</p>	<p>An association may use any available name, but the name must include 'Incorporated' or 'Inc'.</p>	<p>Association may use any available name, but the name must include 'Incorporated' or 'Inc' unless exempted.</p>	<p>An association may use any available name, but the name must include 'Incorporated'.</p>	<p>An association may use any available name, but the name must include 'Incorporated' or 'Inc'.</p>	<p>An association may use any available name, but the name must include 'Incorporated' or 'Inc'.</p>	<p>An association may use any available name, but the name must include 'Incorporated' or 'Inc'.</p>

Comparative table of Commonwealth, state and territory incorporation legislation

TOPIC	CATSI Act	Corporations	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	<p>corporation’</p> <p>c) ‘Aboriginal and Torres Strait Islander corporation’</p> <p>d) ‘Torres Strait Islander and Aboriginal corporation’</p> <p>e) ‘Indigenous corporation’ or</p> <p>f) if applicable, ‘registered native title body corporate’ or ‘RNTBC’.</p>									
<b>Acceptance / rejection of application</b>	<p>Registrar may register a CATSI corporation even if:</p> <p>a) application is incomplete or has errors</p> <p>b) any of the accompanying material is not provided, is incomplete or contains errors</p> <p>c) it would not, on registration, meet certain requirements.</p> <p>The Registrar must not register a corporation if it does not meet: the Indigeneity requirement, the internal governance rules requirement or the name requirement.</p>	<p>ASIC may accept or reject an application to incorporate.</p>	<p>No general discretion to reject application if the Registrar-General is satisfied of eligibility.</p>	<p>Director-General may reject an application if satisfied that incorporation would be inappropriate, inconvenient or contrary to the public interest.</p>	<p>Commissioner may incorporate if he/she considers it appropriate, but must refuse to if:</p> <p>a) the name is unauthorised</p> <p>b) a trading association does not relate to a prescribed ethnic community</p> <p>c) a trading association’s constitution is unreasonable or unfair.</p>	<p>Chief Executive has a broad discretion to accept or reject applications.</p>	<p>Commission must incorporate if satisfied that it is eligible and the rules and name comply with the Act.</p> <p>Commission may decline to incorporate if:</p> <p>a) of the opinion it would be more appropriate to incorporate elsewhere or</p> <p>b) with Minister’s consent, it is not in the public interest.</p>	<p>Commissioner may incorporate an association if satisfied that it is proper to do so.</p>	<p>Registrar may refuse to incorporate an association if satisfied that incorporation would be inappropriate or inconvenient on the basis of the Registrar’s assessment.</p>	<p>Commissioner may incorporate an association if of the opinion the association is eligible, the rules conform to the Act, the name of the association is appropriate and no objection to incorporation is received within one month of the notice being published.</p> <p>Commissioner may reject an application if satisfied that incorporation is inappropriate or contrary to public interest.</p>



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<b>Mandatory rules</b>	<p>The Act lists the main internal governance provisions and indicates which of those are exemptible or replaceable rules.</p> <p>CATSI corporations must have a constitution which:</p> <ul style="list-style-type: none"> <li>a) sets out objects and a dispute resolution mechanism for internal disputes and</li> <li>b) may also modify/replace replaceable rules in the Act and/or set out other internal governance rules.</li> </ul>	<p>A company is not required to have a constitution, and may rely on the replaceable rules in the Corporations Act, or a combination of both.</p> <p>A public company must lodge a copy of its constitution with ASIC.</p> <p>Replaceable rules do not apply to a proprietary company while the same person is both its sole director and sole shareholder.</p>	<p>Model rules apply by default if association's rules are silent on an issue.</p> <p>Minimum requirements for rules apply if the model rules in the Act are not adopted.</p>	<p>Prescribed matters must be included in an association's rules including, for example:</p> <ul style="list-style-type: none"> <li>a) membership qualifications</li> <li>b) members liabilities</li> <li>c) disciplining of members</li> <li>d) committee election or appointment, terms of office, grounds for vacancy, filling casual vacancies, quorums and procedures</li> <li>e) calling general meetings and procedures and</li> <li>f) changing rules.</li> </ul>	<p>Prescribed matters must be covered in the association's constitution including, for example:</p> <ul style="list-style-type: none"> <li>a) membership qualifications</li> <li>b) creating and filling executive offices</li> <li>c) constitution of the committee and committee powers</li> <li>d) calling and procedures for general meetings</li> <li>e) alteration of the constitution or objects/ purpose.</li> </ul>	<p>There are no mandatory rules but the Regulation specifies matters to be addressed.</p> <p>Model rules apply in default if actual rules are silent on any subject covered in the model rules.</p>	<p>Association rules must be consistent with the Act.</p> <p>Prescribed matters must be included in rules including, for example:</p> <ul style="list-style-type: none"> <li>a) name and objects</li> <li>b) membership</li> <li>c) powers duties and manner of appointment of committee</li> <li>d) appointment of auditor (if a prescribed association)</li> <li>e) calling and procedure of general meetings</li> <li>f) powers of association</li> <li>g) manner in which rules can be changed.</li> </ul>	<p>None specified.</p>	<p>Prescribed matters must be covered in the association's rules including, for example:</p> <ul style="list-style-type: none"> <li>a) membership qualifications</li> <li>b) name, constitution, membership and powers of the committee;</li> <li>c) calling and procedures for general meetings</li> <li>d) alteration of objects, statement of purposes and rules.</li> </ul>	<p>Prescribed matters must be covered in association's rules including, for example:</p> <ul style="list-style-type: none"> <li>a) membership qualifications</li> <li>b) name, constitution, membership and powers of the committee</li> <li>c) election of committee, terms of office, procedures to fill vacancies</li> <li>d) calling and procedures for general meetings</li> <li>e) alteration of objects, statement of purposes and rules.</li> </ul>

**B. Membership requirements and directors duties**

<b>Members</b>	<p>There must be at least 5 members (unless approved by the Registrar). There are age and indigeneity requirements for members.</p>	<p>There must be at least 1 member.</p> <p>There are no age or race restrictions on members.</p>	<p>There must be at least 5 members.</p> <p>There are no age or race restrictions on members.</p>	<p>There must be at least 5 members.</p> <p>There are no age or race restrictions on members.</p>	<p>There must be at least 5 members.</p> <p>There are no age restrictions. However, members of trading associations must belong to a prescribed ethnic community.</p>	<p>There must be at least 7 members.</p> <p>There are no age or race restrictions on members.</p>	<p>There is no minimum number of members required.</p> <p>There are no age or race restrictions on members.</p>	<p>There is no minimum number of members required. However, the Office advises a minimum of 5 members (based on model rules).</p> <p>There are no age or race restrictions on members.</p>	<p>There must be at least 5 members.</p> <p>There are no age or race restrictions on members.</p>	<p>There must be at least 6 members.</p> <p>There are no age or race restrictions on members.</p>
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Comparative table of Commonwealth, state and territory incorporation legislation

TOPIC	CATSI Act	Corporations	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Directors/officers</b>	<p>Directors and officers must:</p> <p>a) act in good faith in the best interests of the corporation and for a proper purpose</p> <p>b) not make improper use of information or position and</p> <p>c) act with the care and diligence of a reasonable person in the circumstances.</p> <p>Directors must declare any material personal interests in matters relating to the affairs of the company.</p> <p>Directors must not to allow the company to 'trade' (e.g. incur debts) while it is or would become insolvent.</p>	<p>Directors must:</p> <p>a) act in good faith in the best interest of the corporation and for a proper purpose</p> <p>b) not make improper use of information or position</p> <p>c) act with care and diligence</p> <p>d) disclose any material personal interest in matters relating to the affairs of the company</p> <p>e) not allow the company to 'trade' (e.g. incur debts) while it is or would become insolvent.</p>	<p>Officers must:</p> <p>a) not make improper use of position</p> <p>b) take all reasonable steps to ensure the association complies with the Act and</p> <p>c) disclose any direct/indirect pecuniary interest in a contract.</p>	<p>No requirements for officers to act in good faith or disclose personal interests etc.</p>	<p>Officers must:</p> <p>a) not act with intention to deceive or commit fraud</p> <p>b) not make improper use of information or position</p> <p>c) take all reasonable steps to secure compliance by the association with its obligations under the Act</p> <p>d) disclose direct/indirect pecuniary interest in a contract</p> <p>e) not allow the company to incur debts while it is or would become insolvent.</p>	<p>No requirements for officers to act in good faith or disclose personal interests etc.</p>	<p>Officers must:</p> <p>a) not intentionally deceive or defraud</p> <p>b) not make improper use of information or of position</p> <p>c) act with reasonable care and diligence</p> <p>A committee member must:</p> <p>a) disclose direct or indirect pecuniary interest in a contract or proposed contract with the association and</p> <p>b) not allow the association to incur debts while it is or would become insolvent.</p>	<p>No requirements for officers to act in good faith or disclose personal interests etc.</p>	<p>Committee members must:</p> <p>a) not knowingly make improper use of information or position and</p> <p>b) disclose direct/indirect pecuniary interest in a contract.</p>	<p>Committee members must:</p> <p>a) take all reasonable steps to secure compliance by the association with its obligations under the Act and</p> <p>b) disclose direct/indirect pecuniary interest in a contract.</p> <p>No good faith or insolvent trading requirements.</p>
<b>Secretary/contact person/public officer</b>	<p>A CATSI corporation must have at least one secretary (if a large corporation) or a contact person (if a small/medium corporation). A secretary or contact person must be over 18.</p>	<p>Only public companies must have a secretary. A secretary must be at least 18 and, unless permitted by ASIC, must not have been disqualified from managing corporations.</p>	<p>There must be a public officer and that person must be 18 or over and resident in the ACT.</p>	<p>There must be a public officer and that person must be 18 or over and a resident of the state.</p>	<p>There must be a public officer and that person must be a resident in the NT.</p>	<p>There must be a secretary and that person must:</p> <p>a) reside in Qld or within 65km of the Qld border and</p> <p>b) be a member, management committee member, or any person appointed by the management committee.</p>	<p>There must be a public officer and that person must be 18 or over and a resident of the state.</p>	<p>There must be a public officer and that person must be 18 or over and a resident of the state.</p>	<p>There must be a public officer and that person must be 18 or over and a resident of the state.</p>	<p>No requirement for a public officer.</p>

Comparative table of Commonwealth, state and territory incorporation legislation

TOPIC	CATSI Act	Corporations	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>C. Accounts and records—reporting requirements</b>										
<b>Records</b>	<p>A CATSI corporation must keep:</p> <p>a) a register of members and</p> <p>b) financial records regarding its transactions and financial position and performance, that would enable true and fair financial reports to be prepared and audited.</p> <p>Financial records must be kept for 7 years.</p>	<p>A company must keep:</p> <p>a) a register of members, options and charges and</p> <p>b) financial records regarding its transactions and financial position and performance, that would enable true and fair financial statements to be prepared and audited.</p>	<p>An association must keep:</p> <p>a) accounting records so that true and fair accounts can be prepared and audited and</p> <p>b) a register of members.</p>	<p>An association must keep:</p> <p>a) proper accounting records</p> <p>b) minutes of all general and committee meetings and</p> <p>c) a register of members.</p>	<p>An association must keep:</p> <p>a) accounts and records regarding its transactions and financial affairs, so true and fair accounts can be prepared and audited and</p> <p>b) a register of members.</p>	<p>An association must keep:</p> <p>a) accounts, books and other documents regarding its transactions and financial affairs as prescribed in the Regulation</p> <p>b) a register of members.</p> <p>Financial records must be kept in the state and for 7 years.</p>	<p>An association must keep:</p> <p>a) accounting records correctly explaining its transactions and financial position and</p> <p>b) minutes of all general and committee meetings and</p> <p>c) a register of members.</p>	<p>An association must keep proper accounts and records of its transactions and financial affairs.</p> <p>Accounts must be kept for 7 years.</p> <p>No requirement to keep a register of members, but details of committee members are lodged every year with the annual return.</p>	<p>An association must keep:</p> <p>a) adequate and accurate accounting records of its financial transactions and</p> <p>b) a register of members.</p> <p>In addition, a prescribed association must:</p> <p>a) have its accounts audited after each financial year, and receive a written report of the audit and</p> <p>b) keep all accounting records for 7 years.</p>	<p>An association must keep:</p> <p>a) accounting records correctly explaining its financial transactions and financial position and</p> <p>b) a register of members.</p> <p>Accounting records must be kept in such a manner to enable true and fair accounts to be prepared and audited.</p>
<b>Annual reporting</b>	<p>For each financial year, the corporation must prepare:</p> <p>a) a general report; and</p> <p>b) other reports as required (e.g. financial or directors' reports).</p> <p>A financial report may need to be audited.</p> <p>Reports must be lodged with the Registrar.</p>	<p>Public and large proprietary companies and disclosing entities must prepare annual financial and directors' reports.</p> <p>The annual financial report must include:</p> <p>a) financial statements (e.g. profit and loss, balance sheet, and cash flows)</p> <p>b) notes to</p>	<p>Association must prepare an annual statement of accounts prior to an AGM, including:</p> <p>a) income and expenditure</p> <p>b) assets and liabilities and</p> <p>c) mortgages and charges.</p> <p>Accounts must be audited.</p> <p>Within 6 months after the end of its financial year, an</p>	<p>Association must prepare annual reports which must include a statement of:</p> <p>a) income and expenditure</p> <p>b) assets and liabilities</p> <p>c) mortgages and charges and</p> <p>d) information relating to trusts.</p> <p>Committee must lodge report with the authority.</p>	<p>Committee must prepare an annual statement of accounts, including a statement of:</p> <p>a) income and expenditure</p> <p>b) assets and liabilities</p> <p>c) mortgages, charges or other securities and</p> <p>d) information relating to trusts and details of prescribed property.</p>	<p>Associations are divided into 3 levels depending on current assets and revenue. Each level has different reporting requirements.</p> <p>All required financial documents for each level of association must be lodged with the Chief Executive.</p>	<p>A Committee of a Prescribed Association must cause the audited accounts plus a Committee statement and Committee report (containing disclosures of benefits) to be presented at an AGM within 5 months of the end of the financial year.</p> <p>A Prescribed Association must</p>	<p>An association must lodge an Annual Return within 6 months after the end of its financial year.</p> <p>Annual Returns must include:</p> <p>a) an original auditors report</p> <p>b) financial statements and</p> <p>c) a list of committee member names and residential addresses.</p>	<p>Annual report must include, for example, a statement of:</p> <p>a) income and expenditure</p> <p>b) assets and liabilities and</p> <p>c) mortgages and charges.</p> <p>For a prescribed association these matters must be audited.</p> <p>Specific procedural requirements must be complied with</p>	<p>There is no requirement to lodge an annual report with the Commissioner.</p> <p>An association is required to submit annual accounts to its members at its AGM.</p> <p>The accounts must show the financial position of the association at the end of the association's immediately preceding financial</p>

Comparative table of Commonwealth, state and territory incorporation legislation

TOPIC	CATSI Act	Corporations	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
		financial statements and c) a directors' declaration. Financial reports must be audited.	association must lodge an annual return with the Registrar.		There are three tiers of audit requirements depending on the size and nature of the association.  Audited accounts must be filed with the Commissioner within 28 days of an AGM.		lodge annual return with the Commission within 6 months after the end of the financial year.	Annual returns must be audited.	including that the public officer must lodge the statement with the Registrar within the prescribed time.	year.

#### D. Fees penalties and offences

<b>Fees</b>	Fees are not yet prescribed under this Act.	Application for incorporation: a) \$330 for public company limited by guarantee b) \$400 for a public or proprietary company with share capital.  For further fees refer to ASIC pamphlet for Fees for Commonly Lodged Documents.	Application to incorporate an association - \$133.00.  Other fees apply for matters including, for example: a) to reserve a name - \$31.00 b) to lodge annual statement - \$31.00 if lodged within 6 months after the association's financial year.	Application to incorporate an association - \$103.00.  Other fees apply for matters including, for example: a) to reserve a name - \$39.00 b) to lodge annual statement - \$44.00 if lodged within 1 month of AGM.	Application to incorporate an association - \$65.00.  Other fees apply for matters including, for example, to lodge an annual audited financial statement - \$15.00 if lodged within 28 days after AGM.	Application to incorporate an association - \$81.50.  Other fees apply for matters including, for example, to lodge financial documents - \$38.10.	Application to incorporate an association - \$145.00.  Other fees apply for matters including, for example: a) to reserve a name - \$101.00 b) to lodge a periodic (annual) return - \$68.50.	Application to incorporate an association - \$100.00.  Other fees apply for matters including, for example, to lodge an annual return - \$40.00 if lodged within 6 months after the end of financial year.	Application to incorporate an association: a) with model rules - \$55.10 b) with own rules - \$110.20.  Other fees apply for matters including, for example to lodge an annual statement - \$38.60.	Application to incorporate an association - \$117.00.  Other fees apply for matters.
<b>Penalties and offences</b>	Penalties range from 1 penalty unit to 2,000 penalty units and/or imprisonment for a director or employee using their position dishonestly.	Offences and penalties are specified in Schedule 3 of the Act.  Penalties range from 5 penalty units to 2000 penalty units and/or 5 years imprisonment.	Penalties range between 1 and 2 penalty units.  Offences by officers and false or misleading statements can carry penalties of 50 penalty units and/or 6 months imprisonment.	Minor penalties throughout Act.  Penalties for insolvent trading 50 penalty units and/or 1 year imprisonment.  Penalty for fraud 100 penalty units and/or 2 years imprisonment.	General penalty for non-compliance with the Act by an officer: 100 penalty units.  The Act sets out penalties for various offences including, for example: a) failure to disclose conflict	Penalties generally range between 1 and 10 penalty units.  The Act sets out penalties for various offences including, for example, falsification, fraud and mis-appropriation carry penalties of up to	General penalty for non-compliance with Act is \$1,250. Other penalties generally up to \$5,000.  Breaches of officer's duties generally \$20,000 or 4 years.	Penalties generally range between 2 and 30 penalty units.	General penalty provision of 5 penalty units for general breaches of the Act.  Penalty provisions can reach up to 60 Penalty units for breaches of officer duties.	Penalty provisions include, for example: a) failure to disclose conflict of interest b) failure to hold an AGM c) failure to maintain accounting records

Comparative table of Commonwealth, state and territory incorporation legislation

TOPIC	CATSI Act	Corporations	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
					of interest - 200 penalty units b) frauds by Officers – 400 penalty units or 12 months imprisonment.	20 penalty units and 3 months imprisonment.				d) refusal to comply with a direction, and making false or misleading statements.

### E. Regulatory powers and assistance

Powers	CATSI Act	Corporations	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	<p>The Registrar has various powers including, for example, to:</p> <ul style="list-style-type: none"> <li>a) convene meetings of interested persons</li> <li>b) call GMs or AGMs</li> <li>c) give notices to ensure compliance with the Act</li> <li>d) authorise an officer to examine the books of a CATSI corporation and report on the results</li> <li>e) require a person to provide information, produce books or appear to answer questions.</li> </ul>	<p>Under the ASIC Act, ASIC may investigate if it suspects a contravention of the Act and has various powers including, for example, to:</p> <ul style="list-style-type: none"> <li>a) issue notices to persons requiring them to assist with investigations</li> <li>b) inspect company books</li> <li>c) give notice to persons to produce documents</li> <li>d) obtain a warrant to enter and search premises</li> <li>e) commence proceedings where relevant.</li> </ul>	<p>Registrar-General may investigate an association affairs if it suspects that an offence against the Act or an offence involving fraud or dishonesty has been or will be committed.</p> <p>Registrar-General has various powers including, for example, to:</p> <ul style="list-style-type: none"> <li>a) give notice to persons to produce documents</li> <li>b) copy or take books</li> <li>c) require a person to give an explanatory statement regarding books produced by them.</li> </ul>	<p>Director-General may investigate an association’s affairs if he/she suspects it has failed to comply with provisions of the Act, regulations or Rules, or there has been fraud or dishonesty.</p> <p>Director-General has various powers including, for example, to:</p> <ul style="list-style-type: none"> <li>a) require persons to produce documents or books</li> <li>b) require persons to answer necessary questions</li> <li>c) enter an association’s premises to examine and procure documents for investigations.</li> </ul>	<p>Commissioner may investigate an association’s affairs if satisfied it is appropriate to do so and has various powers including, for example, to:</p> <ul style="list-style-type: none"> <li>a) require the production of all books relating to the affairs of an association</li> <li>b) take, keep and/or copy books</li> <li>c) require a person with knowledge of the affairs of an association to appear and answer questions</li> <li>d) enter the land or premises of an association and examine, take, or copy its books, and require persons to answer questions about the books.</li> </ul>	<p>The Chief Executive may ask for information and documents if it receives a complaint about a possible contravention of the Act.</p>	<p>Commission has various powers including, for example, to require the production of books held by any person relating to the affairs of an association and for that person to make a statement concerning those books.</p>	<p>Commissioner may make such investigations where it suspects contravention of the Act and has various powers including, for example, to:</p> <ul style="list-style-type: none"> <li>a) issue notices to persons requiring them to assist with investigations</li> <li>b) inspect association books</li> <li>c) give notice to persons to produce documents</li> <li>d) obtain a warrant to enter and search premises</li> <li>e) commence proceedings where relevant.</li> </ul>	<p>Inspectors have various powers including, for example, to:</p> <ul style="list-style-type: none"> <li>a) require an association or any person involved in the activities of an association to produce documents</li> <li>b) require persons to answer questions for the purpose of ascertaining compliance with the Acts</li> <li>c) enter and search any place with search warrant or consent of occupier for relevant documents.</li> </ul>	<p>Commissioner has various powers including, for example, to:</p> <ul style="list-style-type: none"> <li>a) investigate an association’s affairs if it appears the association has failed to comply with provisions of the Act, regulations or Rules, or there has been fraud or dishonesty</li> <li>b) require an association or any person involved in the activities of an association to produce the association’s records</li> <li>c) require an association to have its financial statements audited by a registered company auditor.</li> </ul>

Comparative table of Commonwealth, state and territory incorporation legislation

TOPIC	CATSI Act	Corporations	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<b>Assistance</b>	<p>The Registrar:</p> <p>a) provides information and advice about CATSI corporations</p> <p>b) maintains a public register of information about CATSI corporations.</p>	<p>ASIC:</p> <p>a) provides information and advice relevant to corporations</p> <p>b) maintains a public register of information about corporations.</p>	<p>The Registrar-General's Office provides assistance by:</p> <p>a) sending yearly annual return reminders</p> <p>b) publishing an associations kit and associations manual (including forms, fees etc) on its website.</p>	No formal assistance provided.	Department provides assistance and advice to associations in relation to their statutory obligations.	The Office of Fair Trading provides information about incorporated associations on its website and in fact sheets.	No formal assistance provided.	Department provides assistance and advice to associations in relation to their statutory obligations.	No formal assistance provided.	<p>Department provides general advice on the requirements of the Act and a number of brochures on the Act are available.</p> <p>The Citizens Advice Bureau offers a mediation service, for a fee.</p>