

# Running the association

The *Associations Incorporation Act 1985* governs incorporated associations in South Australia and can be found at [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au). Committee members should know the main points of the Act and refer to it as necessary. Some important provisions are:

- The association must be run in accordance with its rules (s. 23).  
If the rules are out of date or no longer suit the purposes of the association, the solution is to change the rules. This requires a special resolution, unless the rules say otherwise. The changed rules must be deposited with the Corporate Affairs Commission within a month after their adoption. There is a formal process for this and a fee, see:  
[http://www.ocba.sa.gov.au/assets/files/assoc\\_form6\\_7.pdf](http://www.ocba.sa.gov.au/assets/files/assoc_form6_7.pdf).
- There must be minutes taken at general meetings and at committee meetings (s. 51)  
The minutes have to be confirmed at the following meeting and signed by the presiding member. They must be kept at the association's premises or in an officer's custody and can be viewed on request by a member or the Corporate Affairs Commission, without charge.
- Proper financial records must be kept (s. 39C)  
The association must at all times keep records that explain the financial transactions and show the true financial position of the association at the time.
- The association must have a public officer, whose details are registered with the Corporate Affairs Commission (s. 56)  
This person receives legal notices and documents on behalf of the association. The association cannot be without a public officer for longer than a month. If one officer resigns, another must be appointed without delay.
- The association's name must appear on all its documents, other than a receipt for less than ten dollars (s. 54)

The Act also imposes special duties on organisations that receive more than \$500,000 in a year. These include:

- An annual general meeting must be held within five months of the end of the financial year (s. 39).
- Accounts must be audited annually (s. 36)  
The accounts must be audited by a registered company auditor or a member of a person who is a member of the Australian Society of Certified Practising Accountants or The Institute of Chartered Accountants in Australia, or someone else approved by the Corporate Affairs Commission.

The committee must issue a statement declaring whether the accounts fairly represent the affairs of the association and whether the association remains solvent. It must also report on any benefits received by officers from the association. The audited accounts, the statement and the report must be put before the members at annual general meeting. For further details see sections 35 to 38:

<http://www.legislation.sa.gov.au/LZ/C/A/ASSOCIATIONS%20INCORPORATION%20ACT%201985/CURRENT/1985.30.UN.PDF>.