



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

Our Ref: Job No. 1736529;
IARN: A1002255Z
Enquiries: Telephone 1300 30 40 74

Mr Klaus Kolf
Po Box 7178
CLOISTERS SQUARE PERTH WA 6850

By Email: Peter.Kolf@kpkas.com

18 March 2019

Dear Mr Kolf,

ASSOCIATIONS INCORPORATION ACT 2015
ECONOMIC SOCIETY OF AUSTRALIA (WESTERN AUSTRALIAN BRANCH)
INCORPORATED (the Association)

I refer to the Notice of Special Resolution to change rules form received by the Department of Mines, Industry Regulation and Safety, Consumer Protection Division (Consumer Protection) on 28 February 2019.

You are advised that the changes have been approved as lodged on the basis that the Association's executive or committee have declared that the amendments were passed by special resolution. The amended rules (also referred to as the constitution) which have been placed on our records may be used effective from 15 March 2019.

While Consumer Protection undertakes random audit reviews of revised rules with regard to the matters set out in Schedule 1, this is not conducted for every application. A review of the revised rules has not been undertaken at this time. However, in the event a future review is undertaken, the Association will be notified of any feedback.

It is important to be aware that if the rules contain matters that do not meet the Schedule 1 requirements or are inconsistent with the Act, the clauses of the Model Rules that deal with the matter will apply as the Association's rules from 1 July 2019. A Matrix showing where the Model Rules addresses each of the Scheduled requirements is provided for your information in an attachment to this letter.

As you will appreciate the process of applying the Model Rule clauses have the potential to be confusing for members and may also lead to decisions being based on incorrect requirements. In light of this, the Association is strongly encouraged to conduct its own review of its rules to ensure they address the mandatory requirements set out in the Act.

If you find that the rules are non-compliant you should take steps to amend the rules at the next available opportunity. A range of tools, publications and videos to assist with reviewing and updating an Association's rules is available from Consumer Protection's *Changing the Rules* webpage. Associations are encouraged to visit www.dmirswa.gov.au/cp/changerules to utilise these resources.

Finally, it is also opportune to remind the Association it is required to submit an Information Statement to Consumer Protection annually. The Statement is due no later than six months after the end of an association's end of financial year and can be submitted by using the AssociationsOnline portal www.dmirs.wa.gov.au/associationsonline. For help or to find more about the Information Statement please visit www.dmirs.wa.gov.au/assoc-info-statement

Should you require any further information in relation to this matter please contact Associations Registration staff on 1300 30 40 74 or by email to associations@dmirs.wa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. J.', written in a cursive style.

for
Commissioner for Consumer Protection

ATTACHMENT - Schedule 1 and the Model Rules Matrix

ASSOCIATIONS INCORPORATION ACT 2015

Incorporated associations are required to provide for all 19 of the Schedule 1 items in its rules/constitution. Where the rules do not address a Scheduled item, the model rules clause that deals with the matter applies as the rule that the Associations members are required to follow. The table below shows which of the model rules clauses address the Schedule 1 matters:

Schedule 1 Matter	Model Rules Clause
1. The name of the incorporated association.	Guidance Note A
2. The objects or purposes of the incorporated association.	Guidance Note B
3. The eligibility criteria (if any) for a person to become a member of the association and details on when membership starts and ends.	4,7,9
4. The register of members of the incorporated association.	13
5. The entrance fees, subscriptions and other amounts to be paid by members (if any).	12
6. The name, composition and powers of the management committee including:	26
a. The election or appointment of members of the committee.	33
b. The terms of office of members of the committee.	35
c. The grounds on or reasons for which the office of a member of the committee shall become vacant.	37
d. The filling of casual vacancies occurring on the committee.	38
e. The quorum and procedure at meetings of the committee.	Quorum: Guidance Note D Procedure: 41-43
f. The making and keeping of records of the proceedings at meetings of the committee.	47
g. The circumstances (if any) in which payment may be made to a member of the committee out of the funds of the association.	40
7. The quorum and procedure at general meetings of members of the incorporated association.	Quorum: Guidance Note C Procedure: 55-60
8. The notification of members or classes of members of general meetings and their rights to attend and vote at those meetings.	Notice: 52,66 Voting Rights: 8(5), 57
9. The time within which, and manner in which, notices of general meetings and notices of motion are to be given, published or circulated.	66
10. The percentage of members who may at any time require that a general meeting be convened.	51(2)
11. The manner in which the funds of the association are controlled.	62
12. The day in each year on which the financial year of the incorporated association commences.	Guidance Note E
13. The intervals between general meetings of members and the manner of calling general meetings.	51
14. The manner of altering and rescinding the rules and of making additional rules of the incorporated association.	72
15. Provisions for the custody and use of the common seal of the incorporated associations (if it has one).	65
16. The custody of books and securities of the incorporated association.	67
17. The inspection by members of the incorporated association of records and documents of the incorporated association.	69
18. A procedure for dealing with any dispute under or relating to the rules between members and between members and the incorporated association	17-25
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.	71