

THE NORTHERN TERRITORY OF AUSTRALIA

ASSOCIATIONS INCORPORATION ACT

No. 22 of 1979

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THE UNIVERSITY OF CHICAGO
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THE NORTHERN TERRITORY OF AUSTRALIA

No. 22 of 1979

AN ACT

To amend the Associations Incorporation Act to provide for the incorporation of certain Trading Associations

[Assented to 12 March 1979]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. This Act may be cited as the Associations Incorporation Act 1978. Short title
2. The Associations Incorporation Act is in this Act referred to as the Principal Act. Principal Act
3. The Principal Act is amended by inserting before section 1 the following heading: Part I - Preliminary

"PART I - PRELIMINARY".
4. Section 4(1) of the Principal Act is amended - Interpretation
 - (a) by omitting from the definition of "association" all words after "include" and substituting "a trading association,";
 - (b) by omitting the definition of "committee" and substituting the following definition:

"committee", in relation to an association or a trading association, means -

 - (a) where there is a committee of the association - that committee; or
 - (b) where there is no committee of the association - the persons having the management of the affairs of the association,";
 - (c) by inserting after the definition of "incorporated association" the following definitions:

"incorporated trading association" means a trading association incorporated under this Act;

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'prescribed property' means property that was acquired -

- (a) from; or
- (b) using funds obtained under a grant from,

the Territory or the Commonwealth, and includes an interest, whether legal or equitable, in such property;"

- (d) by omitting the definition of "public officer" and substituting the following definition:

"'public officer' means, in relation to -

- (a) an incorporated association - the public officer of that association appointed under section 12; and
- (b) an incorporated trading association - the public officer of that association appointed under section 25R;"

- (e) by inserting after the definition of "the Registrar" the following definition:

"'trading association' means an association, society, institution or body formed or carried on for the purpose of trading or securing pecuniary profit to its members;" and

- (f) by inserting in the definition of "unauthorized name" after the word "association" the words "or trading association".

Part II -
Incorporated
Associations

5. The Principal Act is amended by inserting next after section 4 the following heading:

"PART II - INCORPORATED ASSOCIATIONS".

Notice of in-
tention to
apply for
incorporation

6. Section 5(1) of the Principal Act is amended by omitting the words "under this Ordinance" and inserting the words "under this Part".

Application for
incorporation

7. Section 7(3)(a) of the Principal Act is amended by omitting the words "under this Ordinance" and inserting the words "under this Part".

Incorporation
of association

8. Section 9(1) of the Principal Act is amended by omitting "acquire, hold and dispose of real and personal property" and substituting "acquire and, subject

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to section 9B, may hold and dispose of real and personal property".

9. The Principal Act is amended by inserting after section 9 the following sections:

"9A. A description of an incorporated association is not inadequate or incorrect by reason only of the use of the abbreviation 'Inc.' in lieu of 'Incorporated'.

Short form
of name

"9B. An incorporated association shall not dispose of, charge or otherwise deal with prescribed property -

Prescribed
property

(a) without the consent of the Minister; or

(b) if the prescribed property is a lease under the Special Purposes Leases Act - without the consent required under section 6 of that Act."

10. Section 12(1) of the Principal Act is amended by omitting the words "under this Ordinance" and inserting the words "under this Part".

Appointment of
public officer

11. Section 15(1) of the Principal Act is amended by omitting the words "under this Ordinance" and inserting the words "under this Part".

Filing of rules
and trusts

12. The Principal Act is amended by omitting from section 20 "sections 21 and 22" and substituting "sections 21, 22 and 22A".

Winding up

13. The Principal Act is amended by inserting after section 22 the following section:

"22A. Prescribed property is not an asset in the winding up of an incorporated association."

Prescribed pro-
perty in winding
up

14. The Principal Act is amended by inserting after section 23G the following section:

"23H.(1) This section applies notwithstanding sections 23 to 23G inclusive.

Disposal of
prescribed
property

"(2) The Registrar shall not dispose of prescribed property without the approval of the Minister.

"(3) The Supreme Court may, in a winding up of an incorporated association by the Court, make any order in relation to the disposing of prescribed property which it thinks fit.

"(4) The Court shall, in making an order under sub-section (3), have regard to -

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- (a) the circumstances in which the property was acquired;
- (b) any submission to the Court made by the Minister; and
- (c) any other matter that the Court considers relevant."

Part III - Incorporated Trading Associations

15. The Principal Act is amended by inserting after section 25 the following:

"PART III - INCORPORATED TRADING ASSOCIATIONS

Notice of intention to apply for incorporation

"25A.(1) Where the committee of a trading association authorizes a person to apply for the incorporation of the association under this Part, that person may, by notice published in a newspaper circulating in the Territory, give notice that he intends to apply for the incorporation of the association under this Part.

"(2) A notice given under sub-section (1) shall -

- (a) be in the prescribed form;
- (b) specify the objects and purposes of the association in respect of which it is given; and
- (c) be approved by the Registrar before publication.

Restraint on incorporation

"25B.(1) Any person may, within 3 weeks after the publication of a notice under section 25A, apply to the Judge for an injunction to restrain the person who gave the notice, or any other person, from applying, or proceeding with an application, for the incorporation of the trading association.

"(2) The Judge may grant an injunction for which application is made under sub-section (1) -

- (a) on the ground that -
 - (i) the association is not a trading association;
 - (ii) the association was formed or is carried on, or is proposed to be incorporated, for an immoral, disloyal or illegal purpose; or
 - (iii) the incorporation of the trading association is against the public interest; or

Associations Incorporation

(b) on any other ground which the Judge considers just.

"(3) The Judge may determine an application under this section notwithstanding that all the parties interested are not parties to the proceedings.

"25C.(1) Subject to any injunction granted under section 25B, a person who gives notice under section 25A of intention to apply for the incorporation of a trading association may, after the expiration of a period of one month, and within a period of 6 months, after the publication of the notice, apply in writing to the Registrar for the incorporation of the association.

Application
for
incorporation

"(2) A company incorporated under the Companies Act shall not make application under this section.

"(3) An application under sub-section (1) shall -

- (a) be in a form approved by the Registrar;
- (b) state -
 - (i) the name of the trading association;
 - (ii) the objects and purposes of the association;
 - (iii) the place or places where the association was formed and is carried on;
 - (iv) the names and addresses of the persons who constitute the committee of the association;
 - (v) the ethnic community to which the members of the association belong; and
 - (vi) the means by which the management of the association is vested in those persons;
- (c) be accompanied by the proposed rules of the trading association; and
- (d) be accompanied by a statutory declaration made by the applicant declaring -
 - (i) that he is authorized by the committee of the trading association to apply for the incorporation of the association under this Part;

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- (ii) that, on a date and in a newspaper specified in the declaration, he gave notice under section 25A(1) of his intention to apply for the incorporation of the trading association;
- (iii) that every member of the association is a member of the ethnic community specified in the application; and
- (iv) that the particulars contained in the application are true.

Certificates
of
incorporation

"25D.(1) Upon receipt of an application under, and in accordance with, section 25C for the incorporation of a trading association, the Registrar may, if he is satisfied that it is proper for him so to do, issue to the association a certificate of incorporation.

"(2) The Registrar shall refuse to issue a certificate of incorporation under this Act to a trading association -

- (a) except with the consent of the Minister - if the name of the association is an unauthorized name;
- (b) if the association was formed or is carried on, or is proposed to be incorporated, for an immoral, disloyal or illegal purpose;
- (c) if the incorporation of the association is against the public interest;
- (d) if the ethnic community specified in the application under section 25C(3)(b)(v) is not a prescribed ethnic community;
- (e) if he is satisfied that rules of the association are unreasonable or unfair; or
- (f) on any other ground which he considers just.

"(3) The Registrar shall not refuse to issue a certificate of incorporation to a trading association on any ground which the Judge has refused to make the ground for the granting of an injunction under section 25B(2).

Revocation
of prior
incorporation

"25E. If a trading association incorporated under this Part was, immediately before that incorporation, an incorporated association, the Registrar shall, immediately upon the incorporation of the association under this Part, revoke the certificate of incorporation issued under section 8 in respect of that association.

Associations Incorporation

"25F. Where the Registrar refuses to issue a certificate of incorporation to a trading association, he shall -

Duty of Registrar

- (a) notify the applicant, in writing, of his refusal and the reasons for his refusal;
- (b) invite the committee of the association to make such changes -
 - (i) to the application for incorporation; or
 - (ii) to the rules of the association,as will remove the grounds for refusal of the application;
- (c) invite the committee of the association to advise him, within the time specified in the notification, of any changes made in pursuance of the invitation under paragraph (b); and
- (d) invite the committee of the association to furnish him, within the time specified in the notification, with particulars of those changes accompanied by the statutory declaration referred to in section 25C(3)(d).

"25G.(1) An applicant who is aggrieved by a decision of the Registrar to refuse to issue a certificate of incorporation under this Part may, by notice in writing, require the Registrar to refer the application to the Minister.

Appeal

"(2) The Registrar shall comply with any requirement given under sub-section (1).

"25H.(1) The Minister shall consider any application referred to him under section 25G and may -

Power of Minister

- (a) direct the Registrar to issue a certificate of incorporation under this Part to that trading association; or
- (b) refuse to direct the Registrar to issue that certificate.

"(2) The Registrar shall comply with a direction of the Minister given under sub-section (1)(a).

"25J. Upon the issue of a certificate of incorporation to a trading association under section 25D(1), the association -

Incorporation of trading association

Associations Incorporation

"25Q.(1) Upon the incorporation of a trading association under this Part any personal property (other than personal property consisting of an estate or interest in land) held by a person, in trust or otherwise, for or on behalf of the association shall, subject to any trust, covenant, contract or liability affecting the property, be vested in the association.

Vesting of
property in
incorporated
trading
association

"(2) A person who holds an estate or interest in any property in trust or otherwise for or on behalf of a trading association shall, upon the incorporation of the association under this Part, take all action required to vest the estate or interest in the incorporated trading association, subject to -

(a) any trust (other than a trust for the members of that association); or

(b) any covenant, contract or liability,

affecting the estate or interest.

"25R.(1) The committee of an incorporated trading association shall, within 14 days after the incorporation of the association under this Part, appoint a person resident in the Territory to be the public officer of the association and, if that office at any time becomes vacant, shall, within 14 days after it becomes vacant, appoint a person resident in the Territory to fill that vacancy.

Appointment
of public
officer

"(2) If the committee of an association fails to comply with sub-section (1), each member of the committee is guilty of an offence punishable upon conviction by a fine not exceeding \$200.

"(3) The office of public officer of an incorporated trading association becomes vacant if the person holding that office -

(a) dies;

(b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors or compounds with his creditors;

(c) becomes of unsound mind;

(d) resigns his office by writing under his hand addressed to the committee of the association;
or

(e) ceases to be resident in the Territory.

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"(4) The public officer of an incorporated trading association may, subject to the rules of the association, hold any other office in the association.

Notifications
in relation
to public
officer

"25S.(1) The public officer of an incorporated trading association shall, within 14 days after his appointment, give notice in writing to the Registrar of his appointment and of his full name and address.

"(2) If a public officer changes his address, he shall, within 14 days after the change, give notice in writing to the Registrar of the change.

Penalty: \$200.

Rules

"25T.(1) Subject to this Act, the rules of a trading association shall make provision for and in relation to -

- (a) the qualifications of members of the association;
- (b) the creation of the executive offices of the association and the procedure for filling those offices;
- (c) the procedure for the settling of disputes between the association and its members;
- (d) the constitution of the committee of the association and the powers of that committee;
- (e) the procedure for the conduct of meetings of the committee of the association;
- (f) the manner in which the funds of the association are to be managed;
- (g) the method of -
 - (i) altering;
 - (ii) adding to; or
 - (iii) rescinding,the rules of the association;
- (h) the method of altering the objects of the association;
- (i) the rights of members of the association to share in the profits of the association; and

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- (j) the rights of persons, who were members of the association at the time of winding up, to share in the distribution of any surplus assets resulting from the winding up.

"(2) Subject to this Act, the rules of a trading association may make provision, not contrary to law, for and in relation to any matter not referred to in sub-section (1).

"(3) The rules of an incorporated trading association may be based on the customs and traditions of the ethnic community to which the members of the association belong.

"25U.(1) An incorporated trading association shall, within 3 months after its incorporation under this Part, file with the Registrar -

Filing of
rules, &c.

- (a) a copy of the rules of the association; and
(b) particulars of, and a copy of any instrument evidencing, the trusts, if any, relating to the association.

Penalty: \$500.

"(2) A copy of the rules of an incorporated trading association or of any other instrument filed under sub-section (1) shall be accompanied by a statutory declaration made by the public officer of the association declaring that that copy is a true copy of the instrument of which it purports to be a copy.

"25V.(1) The public officer of an incorporated trading association shall, within one month after an alteration of -

Alteration of
rules, &c.

- (a) the objects or purposes of the association;
(b) the rules of the association; or
(c) any trusts relating to the association,

file with the Registrar notice of the alteration.

Penalty: \$200.

"(2) A notice under sub-section (1) shall be accompanied by -

- (a) a copy of any instrument evidencing the alteration; and

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(b) a statutory declaration made by the public officer declaring that -

(i) the copy referred to in paragraph (a) is a true copy of the instrument of which it purports to be a copy; and

(ii) if the alteration is an alteration of the objects, purposes or rules of the trading association, that the alteration is authorized, and was made in the manner provided, by the rules of the incorporated trading association.

"(3) Where, under the rules of an incorporated trading association, the members of the association are liable to contribute towards -

(a) the payment of the debts and liabilities of the association; or

(b) the costs, charges and expenses of a winding up of the association,

and an alteration of the rules of the association affects that liability, the public officer of the association shall, within one month after the alteration, give notice of that alteration in a newspaper circulating in the Territory.

Penalty: \$200.

"(4) An alteration of the objects, purposes or rules of an incorporated trading association or any trusts relating to an incorporated trading association is of no effect until -

(a) this section has been complied with in respect of the alteration; and

(b) in the case of an alteration of the objects or the purpose of the trading association - the alteration is approved by the Registrar.

Duty of Registrar

"25W. If the Registrar refuses to approve an alteration to the objects, purposes or rules of an incorporated trading association under section 25V(4), he shall notify the association in writing of his refusal and the reasons for his refusal.

Appéal

"25X(1) An incorporated trading association which is aggrieved by a decision of the Registrar to refuse to approve an alteration under section 25V(4) may, by notice in writing, require the Registrar to refer the alteration to the Minister.

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"(2) The Registrar shall comply with any requirement given under sub-section (1).

"25Y.(1) The Minister shall consider any alteration referred to him under section 25X and may -

Power of
Minister

(a) direct the Registrar to approve the alteration;
or

(b) refuse to direct the Registrar to approve the alteration.

"(2) The Registrar shall comply with a direction of the Minister given under sub-section (1)(a).

"25Z.(1) If the Registrar is satisfied that the members of an incorporated trading association have, in accordance with the rules of the association, resolved to change the name of the association, the Registrar may, upon the application of the public officer of the association, issue to the association a certificate of incorporation in the new name and that certificate of incorporation has effect, from the date of issue, as the certificate of incorporation of the trading association.

Change of
name

"(2) Except with the consent of the Minister, the Registrar shall refuse to issue a certificate of incorporation under sub-section (1) to a trading association if the proposed new name of the association is an unauthorized name.

"(3) Where the name of an incorporated trading association is (whether through inadvertence or otherwise or whether originally or by change of name) an unauthorized name, the Registrar may, by notice in writing, direct the association to change its name to a name that is not an unauthorized name.

"(4) An incorporated trading association to which a notice under sub-section (3) is given which does not change its name within the time specified in the notice is, unless the Minister by order in writing annuls the direction, guilty of an offence, which offence shall be deemed to continue until the name of the association is so changed, and the offence is punishable by a fine not exceeding \$200 for each day during which the offence continues.

"25AA. If the Registrar refuses to issue a new certificate of incorporation to an incorporated trading association under section 25Z(1) he shall notify the association in writing of his refusal and his reasons for refusal.

Duty of
Registrar

Associations Incorporation

Appeal

"25AB.(1) An incorporated trading association which is aggrieved by a decision of the Registrar to refuse to issue a new certificate of incorporation under section 25Z(1) may by notice in writing require the Registrar to refer the matter to the Minister.

"(2) The Registrar shall comply with any requirement given under sub-section (1).

Power of Minister

"25AC.(1) The Minister shall consider any matter referred to him under section 25AB and may -

(a) direct the Registrar to issue a new certificate of incorporation; and

(b) refuse to direct the Registrar to issue a new certificate of incorporation.

"(2) The Registrar shall comply with the direction of the Minister given under sub-section (1)(a).

Existing rights and obligations

"25AD. An alteration of -

(a) the objects, purposes or rules of an incorporated trading association; or

(b) any trusts relating to an incorporated trading association,

or the issue of a certificate of incorporation under section 25Z to an incorporated trading association in a new name, does not affect any right, liability or obligation of the association or of any person, or any legal proceedings, existing or pending immediately before the alteration took effect or the certificate was issued, as the case may be.

Name to appear on documents

"25AE. An incorporated trading association shall cause every notice, advertisement, bill of exchange, promissory note, endorsement, order, way-bill, invoice, receipt or other document given, published, drawn, endorsed or issued by it to contain the name of the association in legible characters.

Penalty: \$200.

Register

"25AF.(1) An incorporated trading association shall keep, at its registered address, a register showing -

(a) the name and address of each member of the association;

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- (b) the date upon which each member of the association became a member; and
- (c) in the case of a member of the association who ceases to be a member, the date upon which he ceased to be a member.

"(2) A register under sub-section (1) shall be -

- (a) in the prescribed form; and
- (b) available for inspection by the public at any time during the business hours of the incorporated trading association.

Penalty: \$200.

"25AG.(1) An incorporated trading association shall -

Financial
management

- (a) keep such accounting records as correctly record and explain the transactions and financial position of the association;
- (b) keep its accounting records in such a manner as will enable true and fair accounts of the association to be prepared from time to time; and
- (c) keep its accounting records in such a manner as will enable the accounts of the association to be conveniently and properly audited in accordance with this Act.

"(2) An incorporated trading association shall retain the accounting records kept under this section for a period of 7 years after the completion of the transactions to which they relate.

"(3) An incorporated trading association shall keep the accounting records at such place or places within the Territory as the committee thinks fit.

"(4) The accounting records of an incorporated trading association shall be kept in written or printed form in the English language or so as to enable the accounting records, statements and records to be readily accessible and readily convertible into written or printed form in the English language.

"(5) An incorporated trading association shall give to the Registrar notice in writing of the place where the accounting records of the association are kept.

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"(6) The Court may, by order, on application by a member of an incorporated trading association, authorize an auditor acting for the member to inspect the accounting records of the association.

"(7) An incorporated trading association shall make its accounting records available in written or printed form in the English language at all reasonable times for inspection without charge by the members of the association and by other persons authorized or permitted by or under this Act to inspect the accounting records of the association.

"(8) Where an auditor inspects accounting records in pursuance of an order of the Court under sub-section (6), he shall not disclose to a person other than the member on whose application the order was made any information acquired by him in the course of his inspection.

Penalty: \$200.

"(9) If default is made in complying with the provisions of this section (sub-section (8) excepted) the incorporated trading association or the member who failed to take all reasonable steps to secure compliance by the association with the provisions and every officer of the association who is in default is guilty of an offence.

Penalty: \$500.

"(10) In any proceedings against a person for failure to take all reasonable steps to secure compliance by an incorporated trading association with a provision of this section, it is a defence to prove that he had reasonable grounds to believe, and did believe, that a competent and reliable person was charged with the duty of seeing that that provision was complied with and was in a position to discharge that duty.

Control of
money and
assets

"25AH. An incorporated trading association shall -

(a) do all things necessary to ensure that all payments of moneys made by it or on its behalf are made and authorized; and

(b) ensure that control is maintained over -

(i) the assets of or in the custody of the association, and

(ii) the incurring of liabilities by the association,

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in accordance with the rules of the association.

"25AI.(1) The committee of an incorporated trading association shall, at least once in each period of 12 months, cause to be prepared - Audit

- (a) a balance sheet setting out the assets and liabilities of the association; and
- (b) an income and expenditure statement, giving a true and fair view of the income and expenditure of the association for the period -
 - (i) of the preceding 12 months; or
 - (ii) in the case of an association incorporated under this Part for less than 12 months - since the association was incorporated under this Part.

Penalty: \$200.

"(2) The committee of an incorporated trading association shall, as soon as practicable after the preparation of the balance sheet and income and expenditure statement, cause the financial affairs of the association to be audited by a person who is approved by the Registrar or -

- (a) is not a member or the public officer of the association; and
- (b) is registered as a company auditor under section 9 of the Companies Act.

Penalty: \$200.

"(3) The person engaged to audit the financial affairs of an incorporated trading association under sub-section (2) shall report thereon to the association within one month of the completion of his audit of those affairs.

"(4) The public officer of an incorporated trading association shall, within one month after receiving the report referred to in sub-section (3), file with the Registrar -

- (a) a copy of the balance sheet certified as correct by the person engaged to audit the financial affairs of the incorporated trading association under sub-section (2);
- (b) the statement of income and expenditure certified as correct by the person engaged to

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audit the financial affairs of the incorporated trading association under sub-section (2); and

- (c) a copy of the report referred to in sub-section (3).

Penalty: \$200.

Inspection
and audit

"25AJ.(1) The Registrar may, at any time, cause the accounts and records required to be kept by an incorporated trading association to be inspected or audited by a person who has the qualifications prescribed by section 25AI(2).

"(2) The person engaged to inspect and audit the accounts and records of an incorporated trading association under sub-section (1) shall furnish to the Registrar a report on those accounts and records.

Power of
auditor, &c.

"25AK. For the purposes of conducting an inspection or audit under section 25AI or 25AJ, the person appointed to conduct the inspection or audit may take copies of, or extracts from, the accounts, records, documents and papers of an association.

Powers of
Registrar
to wind up

"25AL.(1) If -

- (a) a report under section 25AI(3) or 25AJ(2) draws attention to any irregularity in the financial affairs of an incorporated trading association; or
- (b) an incorporated trading association or the committee of an incorporated trading association fails to carry out any of its obligations under this Act,

the Registrar may, by notice in writing served on the public officer of the association, require the committee to furnish to him, within the time specified in the notice -

(c) an explanation in writing of; and

(d) a statement of the reasons for,

the irregularity or failure by the committee or association to carry out those obligations, as the case may be.

"(2) Where -

- (a) an explanation required under sub-section (1) is not provided within the time specified under that sub-section; or

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- (b) an explanation so required is provided but the Registrar considers the explanation unsatisfactory,

the Registrar may commence proceedings in the Supreme Court for the winding up of the incorporated trading association.

"25AM. Where the committee of an incorporated trading association fails to comply with an obligation imposed on it under section 25AI or 25AL, each member of the committee shall be guilty of an offence punishable upon conviction by a fine not exceeding \$200.

Failure to
comply with
audit, &c.
requirements

"25AN.(1) An incorporated trading association which is aggrieved by a decision of the Registrar to commence proceedings for the winding up of the association under section 25AL(2) may, by notice in writing, require the Registrar to refer the matter to the Minister.

Appeal

"(2) The Registrar shall comply with any requirement given under sub-section (1) and shall take no further action in relation to the winding up proceedings unless the Minister refuses to direct him, under section 25AO(1)(b), to withdraw the proceedings.

"25AO.(1) The Minister shall consider any proceedings referred to him under section 25AN and may -

Power of
Minister

- (a) direct the Registrar to withdraw the proceedings for the winding up of the incorporated trading association; and
- (b) refuse to so direct the Registrar.

"(2) The Registrar shall comply with the direction of the Minister given under sub-section (1)(a).

"25AP.(1) Subject to section 25AQ, the provisions of sections 20 to 23G inclusive apply to the winding up of incorporated trading associations as they apply to the winding up of incorporated associations.

Winding up

"(2) For the purposes of sub-section (1), a reference in sections 20 to 23G inclusive to -

- (a) an incorporated association - is a reference to an incorporated trading association; and
- (b) an association - is a reference to a trading association.

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Prescribed property in winding up

"25AQ.(1) Prescribed property is not an asset in the winding up of an incorporated trading association.

"(2) The Registrar shall not dispose of prescribed property without the approval of the Minister.

"(3) The Supreme Court may, in a winding up of an incorporated trading association by the Court, make any order in relation to the disposing of prescribed property which it thinks fit.

"(4) The Court shall, in making an order under sub-section (3), have regard to -

(a) the circumstances in which the property was acquired;

(b) any submission to the Court made by the Minister; and

(c) any other matter that the Court considers relevant.

Companies Act

"25AR.(1) If the Minister is satisfied that an incorporated trading association should be subject to the provisions of the Companies Act, the Minister may direct the association to apply for incorporation under that Act.

"(2) An incorporated trading association shall comply with a direction under sub-section (1).

"(3) The Registrar shall, upon incorporation of a trading association being effected under the Companies Act, cancel the certificate of incorporation of the trading association under this Act.

Service of documents

"25AS.(1) A notice, demand, summons, writ or other document or process may be served on an incorporated trading association by serving it personally on the public officer of the association or by sending it by post to him at the address referred to in section 25S.

"(2) An incorporated trading association may give a notice or make a demand by writing under the hand of the public officer of the association.

" PART IV - MISCELLANEOUS".

Evidentiary provisions

16. The Principal Act is amended by inserting in section 26(1) after the words "incorporated association" (wherever occurring) the words "or incorporated trading association, as the case may be,".

Associations Incorporation

Regulations

17.(1) The Principal Act is amended by inserting in section 28 after the words "incorporated associations" (wherever occurring) the words "or incorporated trading association".

(2) Section 28(a) of the Principal Act is amended by inserting after the words "to be associations" the words "or trading associations, as the case may be,".

Penalties

18. The Principal Act is amended by omitting from the provisions set out in column 1 of Schedule 1 the words set out in column 2 of that Schedule and substituting the matter set out in column 3 of that Schedule opposite that provision.

SCHEDULE 1

Section 18

ALTERATION OF PENALTIES

Column 1	Column 2	Column 3
Provision	Matter to be omitted	Matter to be substituted
12(2)	20 dollars	\$200
14(2)	40 dollars	\$200
15(1)	100 dollars	\$500
16(1)	40 dollars	\$200
16(2)	40 dollars	\$200
17(5)	100 dollars	\$500
19	40 dollars	\$200
23G(2)	20 dollars	\$200
25(2)	20 dollars	\$200
25(3)	40 dollars	\$200
28(g)	40 dollars	\$200

