

Incorporated associations

Dissolution checklist

Associations Act 2003

Facts

- An association may determine to dissolve. The assets of the association must be transferred or given to another association with similar objects and purposes unless otherwise identified in the constitution.
- If an asset is considered to be prescribed property then consent from the funding body or government is required to sell, dispose of or give away the asset.
- The association can only transfer all its property if members agree to dissolve the association.
- It is illegal to transfer or give the associations assets to the members.
- The constitution determines where assets are able to be transferred to.
- The constitution determines the method to dissolve.
- The Northern Territory Government Associations Compliance Team is happy to discuss your circumstances prior to the decision to dissolve.

Without prescribed property

Step 1. The committee is required to hold a Special General Meeting (SGM) to present the special resolution to dissolve. At this meeting, the association will consider the following:

- ✓ Dissolution
- ✓ Payment of all bills and transfer any assets
- ✓ Where the assets will be transferred to
- ✓ Who will hold onto the records of the association
- ✓ Ensure any grants are acquitted.

Once the SGM is held and all the action is taken, then the public officer is required to complete the “dissolution statutory declaration”.

This statutory declaration is on the website or a member of the team can assist by drafting the required document.

The statutory declaration must state the correct legal name including “incorporated” or “Inc.”.

Step 2. The statutory declaration is lodged with a copy of the minutes to associations.compliance@nt.gov.au

If there is no committee or membership left to hold the SGM, please contact the NT Government Associations Compliance Team.

With prescribed property

Step 1. Email associations.compliance@nt.gov.au with your request for consent to the transfer the property.

The request must include:

- the name of the association
- notice of the intention to dissolve
- request to transfer the prescribed property and where
- an indication on what assets are prescribed.

If approval is given the committee may proceed with the SGM to dissolve.

Step 2. Hold a SGM to present the special resolution to dissolve. At this meeting, the association will consider the following:

- ✓ Dissolution
- ✓ Payment of all bills and transfer any assets
- ✓ Where the assets will be transferred to
- ✓ Who will hold onto the records of the association
- ✓ Ensure any grants are acquitted

Step 3. Within 14 days of the resolution, the public officer must publish the association's intention to transfer its property in the:

- NT newspaper where the association carries on its activities
- NTG Gazette: Publish a notice in the Gazette ¹

The association must also submit a copy of these advertisements to the NT Governments Association Compliance Team with the following forms.

- Resolution authorising transfer of property of an association form
- Notice of intention to transfer property of an association form

Step 4. Once 28 days have passed from publication of the notice, your association may transfer all of the surplus assets.

Step 5. Once transferred, the public officer must submit the following form and submit it to Associations.Compliance@nt.gov.au

- Completion of transfer of property of an association form

Education information, forms, fees and templates can be found on the NT Government website².

¹<https://nt.gov.au/about-government/gazettes/publish-notice>

²<https://nt.gov.au/associations>