

Unvalidated References:
Associations Incorporation Act

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 142.

Associations Incorporation Regulation 1966

ARRANGEMENT OF SECTIONS.

1. Preparation, etc., of documents.
2. Notice of intention to apply for registration.
3. Application for incorporation.
4. Certificate of incorporation.
5. Application for change of name.
6. Certificate of incorporation on change of name.
7. Notice of appointment of public officer.
8. Matters to be specified in rules.
9. Notice of special resolution.
10. Amalgamation of incorporated associations.
11. Certificate of incorporation of amalgamated associations.
12. Registrar may furnish information.
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SCHEDULE 1

SCHEDULE 2 – Provisions relating to appeals under Sections 5 and 35 of the Associations Incorporation Act.

SCHEDULE 3

Associations Incorporation Regulation 1966

MADE under the *Associations Incorporation Act*.

Dated 200 .

1. PREPARATION, ETC., OF DOCUMENTS.

(1) The Registrar may refuse to accept an application, notice or other document that is required to be lodged with him under the Act if the application, notice or document—

- (a) is not printed; or
- (b) is not on International A4 size paper of suitable weight and quality, and with a margin of at least 50 mm on the left hand side of the sheet; or
- (c) has been, or appears to the Registrar to have been, altered in any particular.

(2) For the purposes of Subsection (1)(a), “printed” includes type-written, lithographed or reproduced by any mechanical means.

2. NOTICE OF INTENTION TO APPLY FOR REGISTRATION.

A notice under Section 2 of the Act of intention to apply for the incorporation of an association shall be in Form 1.

3. APPLICATION FOR INCORPORATION.

An application under Section 6 of the Act for the incorporation of an association shall be in Form 2.

4. CERTIFICATE OF INCORPORATION.

A certificate of incorporation under Section 7 of the Act shall be in Form 3.

5. APPLICATION FOR CHANGE OF NAME.

An application for the approval of the Registrar to a change of name under Section 9 of the Act shall be—

- (a) in Form 4; and
- (b) verified by a copy of the special resolution signed by the public officer of the association and sealed with the seal of the association; and
- (c) lodged with the Registrar within the period of one month after the date of the meeting at which the special resolution approving the change of name was passed.

6. CERTIFICATE OF INCORPORATION ON CHANGE OF NAME.

A new certificate of incorporation issued under Section 9(3) of the Act after a change of name shall be in Form 5.

7. NOTICE OF APPOINTMENT OF PUBLIC OFFICER.

A notice of appointment of a public officer under Section 14 of the Act shall be in Form 6.

8. MATTERS TO BE SPECIFIED IN RULES.

(1) The matters to be specified for the purposes of Section 16 of the Act in the rules of an association shall include provisions—

- (a) for the making and keeping of a register of members; and
- (b) for the making and keeping of a register of officials and committee members; and
- (c) for the use of proxies (if any) at meetings; and
- (d) as to what matters (if any) may be resolved by postal ballot; and
- (e) as to how members are admitted and how they cease to be members; and

- (f) whether rights of members are transferable or transmittable and under what circumstances; and
- (g) for the keeping of minutes of meetings; and
- (h) for the keeping of accounts; and
- (i) as to the liability of members on a winding-up.

(2) The Registrar may exempt an association from including any or all of the provisions specified in Subsection (1) if he is of the opinion that it is unnecessary for the association to include those provisions, or any of them, in its rules.

9. NOTICE OF SPECIAL RESOLUTION.

(1) A notice under Section 22(3) of the Act of the passing of a special resolution to which this section applies shall be—

- (a) in Form 7; and
- (b) signed by the public officer of the association and sealed with the common seal of the association.

(2) This section applies to every special resolution except a special resolution authorizing or relating to—

- (a) an alteration of—
 - (i) the name of the association; or
 - (ii) the rules of the association; or
 - (iii) the objects or purposes of an association; or
 - (iv) any trusts relating to an association; or
- (b) the amalgamation of associations.

10. AMALGAMATION OF INCORPORATED ASSOCIATIONS.

A notice under Section 24(2) of the Act of the amalgamation of associations shall be—

- (a) in Form 8; and
- (b) lodged with the Registrar within one month after the date of the meeting at which the special resolution to which it related was passed; and
- (c) signed by the public officer of the association and sealed with the common seal of the association, and accompanied by a copy of the special resolution.

11. CERTIFICATE OF INCORPORATION OF AMALGAMATED ASSOCIATIONS.

A new certificate of incorporation issued under Section 24(4) of the Act shall be in Form 9.

12. REGISTRAR MAY FURNISH INFORMATION.

At the request, by post or otherwise, of a person, the Registrar may, on payment of the prescribed fee, furnish the person with any information in the Registrar's possession relating to an incorporated association.

13. INSTITUTION OF APPEALS.

Subject to Sections 5 and 35 of the Act, an appeal under either of those sections shall be instituted in accordance with Schedule 2.

14. FEES.

The fees for or in respect of any matter or thing done under the Act are the fees prescribed in Schedule 3.

SCHEDULE 1

PAPUA NEW GUINEA.

Associations Incorporation Act 1966.

***Form 1 – Notice of intention to apply for the incorporation of an
association.***

Reg Sec. 2. Form 1.

I ..., of ... , a person authorized for the purpose by the committee of the association known as ..., give notice that I intend to apply for the incorporation of the association under the *Associations Incorporation Act 1966*.

The following are the details of the prescribed qualifications for incorporation as specified in Section 2 of the Act:

(Set out the prescribed qualifications)

Dated ... 20 .

This notice has been approved by the Registrar of Companies.

Dated ... 20 .

Registrar of Companies.

NOTE.—A person may, within one month after the publication of this notice, lodge with the Registrar an objection to the incorporation of the proposed association in accordance with Section 4 of the Act.

PAPUA NEW GUINEA.

Associations Incorporation Act 1966.

Form 2 – Application for the incorporation of an association.

Reg., Sec. 3. Form 2.

To the Registrar of Companies.

I, ... (*full name of applicant*) of (*full postal address of applicant*), make application for the incorporation, under the provisions of the *Associations Incorporation Act 1966*, of (*insert name by which association seeks to be incorporated*), and in support of the application I submit the following information:—

1. The name of the association is (*insert name by which association seeks to be incorporated*)
2. The objects and purposes of the association are
3. The association is situated (*or established*) at (*insert place or places where the association was formed and is carried on*)

Dated ... 20 .

(*Signature of Applicant*)

PAPUA NEW GUINEA.

Associations Incorporation Act 1966.

Form 3 – Certificate of incorporation of an association.

Reg., Sec. 4. Form 3.

This is to certify that, under Section 7 of the *Associations Incorporation Act 1966*, ...
has this day been incorporated under that Act.

Given under my Hand and Seal, ... 20.. .

(L.S.)

Registrar of Companies.

PAPUA NEW GUINEA.

Associations Incorporation Act 1966.

Form 4 – Application for approval to a change of name.

Reg., Sec. 5. Form 4.

Name of Association (*as registered*)

To the Registrar of Companies.

1. Application for approval of a change of name of the abovenamed association and for registration of a special resolution to that effect is made by the undersigned, who is the public officer of the association.

2. I forward with this application—

- (a) a copy of the special resolution, signed by the public officer of the association and sealed with the seal of the association; and
- (b) the certificate of incorporation of the association.

Dated ... 20 .

(Signature of Public Officer.)

PAPUA NEW GUINEA.

Associations Incorporation Act 1966.

Form 5 – Certificate of incorporation on change of name..

Reg., Sec. 6. Form 5.

This is to certify that ... which was on ... 20.. incotpotated as ..., did on ... 20.. change its name to ... and that the association is now incotpotated under the Act in the name of ...

Given under my Hand and Seal, ... 20 .

(L.S.)

Registrar of Companies.

PAPUA NEW GUINEA.

Associations Incorporation Act 1966.

Form 6 – Notice of appointment of a public officer.

Reg., Sec. 7 Form 6.

(Name of Association.)

To the Registrar of Companies.

Notice is given that I, *(full name)* ... of *(residential and postal address)* ... was on ...
20.. appointed public officer of *(name of association)* ... for the purposes of the
Associations Incorporation Act 1966.

Dated ... 20 .

(Signature of Public Officer.)

PAPUA NEW GUINEA.

Associations Incorporation Act 1966.

***Form 7 – Notice of passing of special resolution to which Section 9
applies.***

Reg., Sec. 9. Form 7.

To the Registrar of Companies.

At a general meeting of members of (*insert the name under which the association is incorporated*) duly convened and held at (*insert place where meeting held*) on ... 20.. the special resolution set out below/in the annexure hereto*, and marked with the letter "A" and signed by me for the purposes of identification, was duly passed.

(Set out a copy of the special resolution if it is not annexed to this notice.)

(Seat of Association)

Dated ... 20 .

(Signature of Public Officer.)

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Associations Incorporation Act 1966.

Form 8 – Notice of passing of special resolution for amalgamation of associations.

Reg., Sec. 10.

Form 8.

To the Registrar of Companies.

Notice is given that at a general meeting of members of *(insert name under which the association is incorporated)* duly convened and held on ... 20.. a special resolution for the amalgamation of that association with *(insert name(s) of the other association(s) with which the association is being amalgamated)* and ... was duly passed.

The name of the association to be created by the amalgamation is *(insert proposed name of amalgamated association)*.

Accompanying this notice is a copy of a special resolution signed by the public officer of the association and sealed with the seal of the association.

You are requested accordingly—

- (a) to register that resolution; and
- (b) to issue a certificate of incorporation of the association created by the amalgamation under the name of *(insert proposed name of amalgamated association)*

Dated ... 20.

(Seal of Association.)

(Signature of Public Officer.)

PAPUA NEW GUINEA.

Associations Incorporation Act 1966.

***Form 9 – New certificate of incorporation on the amalgamation of
associations.***

Reg., Sec. 11.

Form 9.

This is to certify that, ... and ... having resolved to amalgamate under Section 24 of the *Associations Incorporation Act 1966*, an amalgamated association has this day been incorporated under that Act in the name of ...

Given under my Hand and Seal, ... 20 .

(L.S.)

Registrar of Companies.

**SCHEDULE 2 – PROVISIONS RELATIONG TO APPEALS UNDER
SECTIONS 5 AND 35 OF THE ASSOCIATIONS INCORPORATION ACT.**

Reg., Sec. 13.

1. Where an appeal is made under Section 5 of the Act, the Clerk of the District Court who receives the notice of appeal shall notify the Registrar, the appellant and any other person who is required by that section to be joined as a party to the appeal, of the time and place at which the hearing of the appeal is to be commenced.

(1) An appeal under Section 35 of the Act shall be instituted by written notice of appeal, stating specifically but concisely the grounds of appeal, and copies of the notice of appeal shall be served on, or sent by registered post to–

- (a) the Registrar; and
- (b) the Clerk of the District Court for the area in which the appeal is to be heard; and
- (c) either–
 - (i) the public officer of the association, if the appeal is brought by a member or creditor of an association; or
 - (ii) each person who appears from the records of the association to be a creditor of the association, if the appeal is brought by the public officer of the association.

(2) Each copy of a notice of appeal under Section 35 of the Act shall be accompanied by, or have endorsed on it, a statement signed by the appellant, specifying–

- (a) the names and addresses of all persons on whom or to whom copies of the notices have been or are proposed to be served or sent; and
- (b) the respective dates on which those copies were served on or sent to each of those persons respectively.

(3) Notwithstanding the preceding provisions of this section, the Magistrate by whom the appeal under Section 35 of the Act is to be heard may, in his discretion, direct service of the notice of appeal on such persons as he thinks fit.

(4) The Registrar and each party to an appeal under Section 5 or 35 of the Act is entitled to be represented by counsel.

(5) On the application of a party to an appeal under Section 5 or 35 of the Act, or of the Registrar, the Magistrate by whom the appeal is heard may summon witnesses to give evidence on the hearing of the appeal.

(6) If the Registrar or any party to an appeal under Section 5 or 35 of the Act fails to appear at the time when and the place at which the hearing of the appeal is to commence, the Magistrate may, in his discretion–

- (a) where the appellant fails to appear, dismiss the appeal; or

(b) where the Registrar or the other party to the appeal fails to appear, hear the appeal or adjourn it to some other date.

(7) Without prejudice to Subsection (6), the Magistrate by whom an appeal under Section 5 or 35 of the Act is heard may adjourn the hearing from time to time and from place to place as he thinks fit.

(8) On the hearing of an appeal under Section 5 or 35 of the Act the appellant is not entitled to raise any ground of appeal other than that contained in his notice of appeal.

(9) On the determination of an appeal under Section 5 or 35 of the Act, the Magistrate shall—

(a) make a written order; and

(b) cause copies of that order to be made available to the parties to the appeal and to the Registrar.

SCHEDULE 3

¹Reg. Sec. 14.

Matter	Fees	
Application for incorporation under Section 6 of the Act	K50.00	
Certificate of incorporation under Section 7 of the Act	K20.00	
New certificate of incorporation or registration of change of name under Section 9 of the Act	K 5.00	
For late filing or lodging if not filed or lodged within a period specified by the Act	K 5.00	
Notice of amalgamation under Section 24 of the Act	K10.00	
Certificate of incorporation under Section 24 of the Act	K10.00	
Certificate of Registrar under Section 29 of the Act	K 5.00	
Information furnished under Section 12 of the Act	K 2.00	
Search and inspection of documents filed with Registrar by or in relation to an incorporated association	K 2.00	
For the making and certification by the Registrar of a photographic reproduction of a document in his custody, for each page	K 2.00	
For the making and certification by the Registrar of a copy or extract, other than a photographic reproduction, of a document in his custody—		
	for the first page	K 4.00
	for each additional page	K 2.00
For certification of a copy or extract supplied to the Registrar of a document in his possession, or for the making by the Registrar of an uncertified copy or extract of such a document—		
	half of the fee that would be payable for a certified copy or extract of that document.	

¹ Schedule 3 repealed and replaced by *Associations Incorporation (Amendment) Regulation* 1986 (No. 16 of 1986); Item 1 of Schedule 3 amended by *Associations Incorporation (Amendment) Regulation* 1989 (No. 12 of 1989); Item 2 of Schedule 3 amended by *Associations Incorporation (Amendment) Regulation* 1989 (No. 12 of 1989).

Associations Incorporation Regulation 1966