

Form 5

This form is effective from 23 August 2025

Notice of special resolution to change the rules

Associations Incorporation Act 2015 s 30

Please read this information before completing this form

ABOUT THIS FORM

Use this form to lodge changes to an incorporated association's rules (also commonly known as the constitution). The changes must be passed by special resolution at a general meeting of members in accordance with the *Associations Incorporation Act 2015* (the Act).

Lodgement period:

Within one (1) month after the general meeting at which the rule changes were passed by special resolution

HOW TO COMPLETE THIS FORM

- You may complete this form onscreen and then print it, or print it first and complete it by hand.
- If completing by hand, please use a **blue or black pen** and write in **BLOCK LETTERS**
- **Complete Sections A, B and F in all cases**
- **Complete either Section C or Sections D and E, depending on the type of rules being adopted.**
- If the person signing the declaration is not a committee member, select the Agent's declaration and attach a signed and completed 'Certificate and statement of committee member for Form 5'

RELATED INFORMATION

Changing the rules

- An incorporated association can only make changes its rules by passing a **special resolution** at a **general meeting** of members. Rule changes cannot be passed at a management committee meeting.
- For a special resolution to be valid:
 - Written notice must be provided to all members in accordance with the existing rules. This notice must include:
 - The date, time, and place of the meeting.
 - The proposed special resolution to be voted on.
 - A copy of the proposed rule amendments.
 - A quorum must be present at the meeting.
 - At least 75% of members who cast a vote must be in favour of the resolution. This may include postal or proxy votes, if permitted by the current rules.
- Before presenting the changes to members to vote on, ensure that the amended rules continue to include the following mandatory requirements:
 - The name of the association.
 - The objects or purposes of the association.
 - The quorum for committee and general meetings.
 - A not-for-profit clause.
 - All of the matters set out in [schedule 1](#) of the Act.
- Consumer Protection's [Rules Workbook](#) provides guidance on reviewing the rules and the procedure for adopting amendments or a new set of rules.

Changing the name:

- A certificate showing the new name will only be issued once the new name is approved for use and the association either returns its original certificate of incorporation or certificate of change of name to Consumer Protection, or confirms in writing that the original has been lost or destroyed.

FEES

Please refer to [Associations fees forms and online transactions](#) page for current application fees. GST is not payable on these fees.

HOW TO LODGE AND PAY

Once you have completed this form and prepared your supporting documents, you can lodge it using one of the following methods:

In person:	Submit your completed form and documents at: Cashier Services Level 1, Mason Bird Building 303 Sevenoaks Street CANNINGTON Opening hours: 8:30 am to 4:30 pm (weekdays)
By post	• Credit card or Bpay: You will receive a Payment Number (PN) after your form is received. Use this number to pay via Consumer Protection's secure online payment portal at: https://payportal.dmirr.wa.gov.au/. • Cheque or money order: Make payable to "Department of Local Government, Industry Regulation and Safety" and post it with your completed form to: Department of Local Government, Industry Regulation and Safety Associations and Charities Locked Bag 14 CLOISTERS SQUARE PERTH WA 6850

WHAT HAPPENS NEXT

- The form and supporting documents will be reviewed. We will contact you in writing if further information is needed.
- This form may not be processed if it is incomplete or is not completed correctly, is received without payment, is not accompanied by the necessary supporting documents; or it is lodged more than one month after the changes were voted on.
- If accepted, the contact person will be advised of the date that the changes take effect.
- If any of the provided information changes after submission, please notify Consumer Protection as soon as possible.

PRIVACY

Consumer Protection at the Department of Local Government, Industry Regulation and Safety (LGIRS) is collecting and holding information supplied for the purposes of the *Associations Incorporation Act 2015* (the Act).

In accordance with the Act, a copy of this form and any documents lodged with will be available for inspection and purchase by the public upon payment of a prescribed fee. In other instances, information on this form can be disclosed without your consent where authorised or required by law.

CONTACT

For assistance with completing this form, or information about the progress of an application, contact the Associations and Charities Branch by:

Telephone **1300 30 40 74 or (08) 6552 9300** (8:30 am to 4:30 pm weekdays)

Email associations@lgirs.wa.gov.au

Website www.lgirs.wa.gov.au/associations

The above information is intended as a guide only and is included to assist you in completing and lodging this form. This page is not part of the form. If required, professional advice should be obtained regarding the matters dealt with in this form

Form 5

Notice of special resolution to change the rules

Associations Incorporation Act 2015 s 30

OFFICE USE ONLY

SECTION A: INCORPORATED ASSOCIATION PARTICULARS

1. The name of the incorporated association is:

Write the name exactly as it appears on your certificate of incorporation.

2. The incorporated association's registration number (IARN) is:

A

SECTION B: SUBJECT OF THE SPECIAL RESOLUTION

3. Date of meeting where the special resolution(s) were passed

(dd/mm/yyyy – ie 30/06/2022)

3A: **Late submission:**

If you are submitting this form more than one-month after the meeting, please explain the reason for the delay and why an extension should be granted.

NOTE: Extensions are generally only granted for delays of up to three months. An additional fee applies.

4. Type of rules being used:

☐

The [MODEL RULES](#) (*Do not attach copy*) ► Complete **Section C**.

☐

The association's OWN RULES ► Complete **Section D**

If using **own rules**, the association must:

☐

attach a copy of the rules to this application

SECTION C: DETAILS OF THE SPECIAL RESOLUTION AFFECTING THE MODEL RULES

Complete this section only if your association is using model rules. You can read the model rules at: www.lgirs.wa.gov.au/modelrules.

DO NOT COMPLETE THIS SECTION IF YOUR ASSOCIATION IS USING ITS OWN RULES.

If you have made any changes to the model rules (except for the items listed below), your association is using its own rules and must complete Sections D and E instead.

Which model rule matters did the special resolution affect?

(Tick all that apply and provide new information)

- | | | |
|--------------------------|------------------------------|--|
| ☐ | Name | ▶ Write the new name at A |
| ☐ | Objects or Purposes | ▶ Write the new objects or purposes at B |
| ☐ | Quorum for general meeting | ▶ Write the new quorum value at C |
| ☐ | Quorum for committee meeting | ▶ Write the new quorum value at D |
| ☐ | Financial year | ▶ Write the new ending of the financial year at E |

Please complete items A to E (Information to be Provided to the Commissioner) below.

State the new information passed by the special resolution in the appropriate space, and write the unchanged information in the remaining spaces. (i.e. If the Association has only changed its name, write its new name at A and then fill in items B to E with the unchanged objects, quorums and financial year information).

A: The full name of the association is:

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B: The objects or purposes of the association are:

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C: The amount of members personally present and entitled to vote under the rules that constitute a quorum for the conduct of business at a general meeting is:

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D: The amount of committee members to constitute a quorum for the conduct of business at a committee meeting is:

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E: The financial year for the association will the 12 month period ending on: (dd/mm)

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IMPORTANT – Upon approval, the details entered in items A to E form part of the association's rules and must be attached to the copy of the rules provided to members.

SECTION D: DETAILS OF THE SPECIAL RESOLUTION AFFECTING OWN RULES

Complete this section only if your association has adopted its own rules

*The rules must cover all the matters listed in **Schedule 1**. You will be prompted to show where each matter is covered in the rules and attach a copy of the rules on the following page.*

Which rules has the special resolution affected?

(Tick all that apply and provide the updated information)

☐ Name ► The **new** full name of the association is:

☐ Objects or Purposes ► The **new objects or purposes** are:

☐ Distribution of surplus property ► The **new terms for distributing the association of surplus property** is:

☐ Any other rule clauses ► List all other rules changes made by the special resolution. If your association adopted a completely new set of rules, write “*A full new set of rules was adopted*”

Complete the Own Rules Matters Table on the following page.

SECTION E: OWN RULES MATTERS TABLE

The table below lists the matters that must be included in your association's rules. For each matter, list the rule number(s) from your changed rules that covers the matter.

DO NOT:

- state the actual content in the able (e.g. the name of the association, the financial year or percentages)
- leave any spaces blank. If a matter is not covered in the rules, write “-“

Matters for own rules (as required by Schedule 1 of the Act).	Clause number from associations rules
1. The name of the incorporated association.	
2. The objects or purposes of the incorporated association.	
3. The eligibility criteria (if any) for a person to become a member of the association and details on when membership starts and ends. (example – see model rules 4,7 and 9)	
4. The register of members of the incorporated association. (example – see model rule 13)	
5. The entrance fees, subscriptions and other amounts to be paid by members (if any). (example – see model rule 12)	
6. The name, composition and powers of the management committee including: (example – see model rule 26)	
a. The election or appointment of members of the committee. (example – see model rule 33)	
b. The terms of office of members of the committee. (example – see model rule 35)	
c. The grounds on or reasons for which the office of a member of the committee shall become vacant. (example – see model rule 37)	
d. The filling of casual vacancies occurring on the committee. (example – see model rule 38)	
e. The quorum and procedure at meetings of the committee. (example – see model rules 41 to 43)	
f. The making and keeping of records of the proceedings at meetings of the committee. (example – see model rule 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. (example – see model rule 40)	
6A. The member or members, of the management committee of the incorporated association who are responsible for complying with a provision of this Act that requires information to be given to the Commissioner.	
7. The quorum and procedure at general meetings of members of the incorporated association. (example – see model rules 55 to 60)	
8. The notification of members or classes of members of general meetings and their rights to attend and vote at those meetings. (example – see model rules 52,66, 8(5) and 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. (example – see model rule 66)	
10. The percentage of members who may at any time require that a general meeting be convened. (example – see model rule 52(2))	
11. The manner in which the funds of the association are controlled. (example – see model rule 62)	
12. The day in each year on which the financial year of the incorporated association commences.	
13. The intervals between general meetings of members and the manner of calling general meetings. (example – see model rule 51)	
14. The manner of altering and rescinding the rules and of making additional rules of the incorporated association. (example – see model rule 72)	
15. Provisions for the custody and use of the common seal of the incorporated associations (if it has one). (example – see model rule 65)	
16. The custody of books and securities of the incorporated association. (example – see model rule 67)	
17. The inspection by members of the incorporated association of records and documents of the incorporated association. (example – see model rule 69)	
18. A procedure for dealing with any dispute under or relating to the rules between members and between members and the incorporated association (example – see model rules 17 to 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. (example – see model rule 71)	
20. A statement that the property and income of the association must be applied solely towards promoting the association's objects or purposes and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in promoting those objects or purposes. (example – see model rule 3)	

☐

A copy of the association's Own Rules containing the changes passed by the special resolution is attached

Day Month

The financial year end for the association, as set out in the rules, will be:

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SECTION F: APPLICANT'S PARTICULARS & DECLARATION

Tick only **one (1)** option. If you **do not hold** a position on the committee, select the **Agents declaration** and attach a completed **Certificate and Statement of committee member for Form 5 form**

☐

Committee Member's declaration

I certify that

- I am a duly elected committee member of the association and am authorised to lodge this application, along with any accompanying documents, under the Associations Incorporation Act 2015.*
- The alterations to the rules covered in this Notice of Special Resolution to change rules were duly passed by resolution of members at a general meeting called in accordance with the rules and the requirements of the Associations Incorporation Act 2015.*
- I acknowledge that it is an offence under section 177 of the Associations Incorporation Act 2015 to make a false and misleading declaration in relation to this application.*

OR

☐

Agent's declaration

I certify that:

- I am authorised by the association's committee to lodge this application any accompanying documents under the Associations Incorporation Act 2015.*
- I have prepared this application in accordance with the information supplied by the association's Committee.*
- A duly elected member of the association's management committee has completed and signed the Certificate and Statement of a Committee Member form, which I have included with this application.*
- I acknowledge that it is an offence under section 177 of the Associations Incorporation Act 2015 to make a false and misleading declaration in relation to this application.*

Signature

Date signed

Title

☐ Mr ☐ Mrs ☐ Ms ☐ Miss ☐ Other, please specify: _____

Name

Surname

Address
(Street or PO)

Suburb

State

Postcode

Email

Telephone

IMPORTANT: Before you sign this form, check that you have provided true and correct information.

CONTACT FOR THIS APPLICATION

Who should Consumer Protection contact if there is a query about this application form?

☐

The applicant (submitter)

☐

Another person ► Provide the contact's details below:

Title

☐ Mr ☐ Mrs ☐ Ms ☐ Miss ☐ Other, please specify: _____

Name

Surname

Address
(Street or PO)

Suburb

State

Postcode

Email

Telephone