

## ANS Policies and Procedures

### Duties of the Public Officer

#### Purpose

This document describes the policy and procedures relating to the duties of the Public Officer.

#### Scope

The policy applies to the ANS Public Officer, ANS Council and ANS Secretariat.

#### Background

Every association incorporated in the ACT must have a Public Officer. The broad function of the Public Officer is to provide a point of contact between the association and Access Canberra (the shopfront of the ACT Government).

Rules and duties relating to the Public Officer are detailed in the *Associations Incorporation Act 1991* (revised July 2019) and the *Associations Incorporation Regulation 1991* of the ACT Government.

This policy and procedures document gives a distillation of the rules and duties of the Public Officer that are most pertinent to ANS. For complete details please refer to the *Act* and *Regulation*, which are available on the Access Canberra website.

#### Policy Statement

Parts 1-5 below were extracted from the *Associations Incorporation Act 1991* (revised July 2019). The number in brackets after each heading indicates the original section of the *Act*.

#### 1. Public Officer [57]

- 1.1 An incorporated association must have a public officer.
- 1.2 A person is not eligible to be the public officer of an incorporated association unless the person resides in the ACT and is at least 18 years of age.
- 1.3 The public officer may, unless the rules of the association otherwise provide, hold any office

of the association in addition to the office of public officer.

#### 2. Vacancy in office of public officer [64]

- 2.1 The association may, by resolution, remove its public officer from office.
- 2.2 The office of the public officer of an incorporated association is taken to be vacant if the public officer –
  - a) is removed from office under part 2.1; or
  - b) resigns from office; or
  - c) ceases to reside in the ACT.
- 2.3 If a vacancy occurs in the office of the public officer, the ANS Council must, within 14 days after the vacancy occurred, appoint a person to fill the vacancy.

#### 3. Resignation of committee member [64A]

- 3.1 A member of the ANS Council may resign as a committee member by written notice given to the public officer.

#### 4. Authentication and execution of documents [55]

- 4.1 A document or proceeding requiring authentication by the Society may be authenticated by the signature of the public officer or the ANS Secretary.

#### 5. Service of documents [122]

- 5.1 Service on ANS of a document or process may be effected by sending it to the address that appears in the registrar-general's records as the last notified address of the person who is, or was then, the public officer of the Society.
- 5.2 If a document or process is served on the public officer or a member of the ANS Council, the public officer or the member must, as soon as practicable after receiving the document or process, bring it to the attention of the ANS Council.

## 6. Reporting duties of the public officer

6.1 ANS is currently registered with the following three regulatory authorities:

- ACT Government via Access Canberra – by virtue of ANS being an association incorporated in the ACT
- Australian Charities and Not-for-profits Commission (ACNC) – reflecting the status of ANS as a charity
- Australian Securities and Investments Commission (ASIC) – giving ANS authority

to operate in all States and Territories of Australia as an Australian Registrable Body with an Australian Registrable Body Number (ARBN)

6.2 Each of these regulatory authorities has its own reporting requirements, some of which are the responsibility of the public officer, others of which are the responsibility of the ANS Secretariat. The division of these responsibilities is summarised in the table below.

In order to:	Access Canberra	ACNC	ASIC	Whose responsibility?
Change the Constitution	Yes	-	-	Public Officer
Change the name of the Society	Yes	-	-	
Update the name of the Public Officer	Yes	-	-	
Request an extension for holding the AGM	Yes	-	-	
Update the names of other Council members	-	Yes	-	ANS Secretariat
Update the ANS's address or contact details	-	Yes	-	
Submit annual report to ACNC	-	Yes	-	
Submit annual report to ASIC	-	-	Yes	ANS Secretariat

## 7. Date of the Annual General Meeting

7.1 The Act states that the AGM of incorporated associations must be held within 5 calendar months from the end of the financial year of the association. If this is not possible, it is the duty of the public officer to write to Access Canberra to request an extension for the holding of the AGM.

7.2 It should be noted that the financial year of ANS currently ends on 30 June, whereas the AGM is typically held more than 5 months later, in December. The 5-month rule does not appear to be enforced at present.

## 2. Reporting to Access Canberra

2.1 Forms and instructions are available on the Access Canberra website. Note that a small fee is payable in some cases, although this is waived for some forms if the form is lodged within 1 month of the change.

### Related Material

- ANS Constitution
- Associations Incorporation Act (1991) (revised July 2019) and Associations Incorporation Regulation (1991) of the ACT Government

### Version Information

- Drafted by J Bekkers, May 2020
- Approved at ANS Council Meeting 19 June 2020

## Procedures

### 1. Communication with Access Canberra

1.1 Communication is via the Access Canberra website:

<https://www.accesscanberra.act.gov.au>

then search for "Incorporated associations".

Email: <mailto:citl@act.gov.au>