



FRIENDS OF SCOTT CREEK CONSERVATION PARK

Factsheet on Incorporating

What is an incorporated association?

- ♣ A common legal structure for not-for-profit organisations (since foundation the Friends of Scott Creek CP have been not operating as an association that is not incorporated)
- ♣ In South Australia, incorporated associations operate under the *Associations Incorporation Act 1985 (SA)* and applications to incorporate are submitted to Consumer and Business Services
- ♣ Must have a minimum number of members, be managed by a *committee of management* that meets at least once a year, holds an AGM, and has a set of rules (a constitution)

Who is it for?

- ♣ Is for not-for-profit community groups that are locally focused i.e. only operate in one state
- ♣ Groups without the capacity to meet extensive reporting obligations and costs

Advantages of being incorporated

- ♣ We can operate as a legal entity, which will exist even if members change, so that:
 - we can sign contracts and don't have to gain Friends of Parks sponsorship each time we apply for a grant (funding bodies don't grant money to unincorporated associations)
 - if we are sued then it will be the legal entity who is sued not individuals in the association
 - we are *limited by liability* and members won't have to pay amounts that the entity can't pay
- ♣ We can keep our website and email addresses which use '.org.au' when our website domain is renewed in 2025 (federal rule change requires incorporation to use '.org.au')
- ♣ Have greater clarity that the association owns our equipment (i.e. bushcare and bird banding equipment) and intellectual property (i.e. publications)

Disadvantages

- ♣ May have to do more of our financial management because Friends of Parks will no longer be managing our grant funding
- ♣ More formal requirements for meetings, office bearers, reporting under our constitution - we currently do most of this in an informal way

Obligations

- ♣ Must have *incorporated* or *inc.* at the end of our name so we will become *Friends of Scott Creek Conservation Park Incorporated*
- ♣ Must pay an initial fee of \$246 to Consumer and Business Services
- ♣ To create and follow a constitution (to be lodged with Consumer and Business Services)
- ♣ Continue to hold an annual AGM and have a committee of management
- ♣ Continue to have our annual accounts audited
- ♣ Annual tax reporting (we do this anyway but it will be a different form)