

# BANKSTOWN CITY NETBALL ASSOCIATION INC.

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## *Public Officer Policy*

### **1. THE PUBLIC OFFICER**

- 1.1 An incorporated association is required to have a Public Officer who has attained the age of 18 years and is a resident of New South Wales (section 23).
- 1.2 The Public Officer is the official contact point for an incorporated association. The Public Officer can be a committee member, a member of the association or an outsider. The Public Officer's address may be used as an official address for the service of documents on the association.
- 1.3 Unless the rules of an incorporated association provide otherwise, the Public Officer of an incorporated association may hold any other office of the Association.

### **2. APPOINTMENT AND REMOVAL OF THE PUBLIC OFFICER**

- 2.1 The Executive Committee appoints the Public Officer for the Association.
- 2.2 The Public Officer shall be deemed to have vacated the office if the Public Officer:-
  - 2.2.1 Dies,
  - 2.2.2 Resigns,
  - 2.2.3 Is removed from office by way of a resolution passed at a general meeting of the members of the incorporated association,
  - 2.2.4 Becomes bankrupt,
  - 2.2.5 Becomes mentally ill, or
  - 2.2.6 Ceases to be a resident of New South Wales
- 2.3 The position of Public Officer must not remain vacant for more than fourteen (14) days. Within 14 days of a vacancy occurring, the committee must notify the Registry of Co-Operatives and Associations of the vacancy and appoint a new Public Officer. The new Public Officer is also required to give notice of his or her appointment to the Registry within 14 days of the appointment. The Registry's Form 9 – Notice of Vacancy/Appointment/Change of Address in the Office of Public Officer, is attached.
- 2.4 Where the committee of an incorporated association fails to notify the Registry of the vacancy or fill the position within 14 days, each member of the committee is guilty of an offence and liable to a penalty.
- 2.5 Upon vacating the position, the Public Officer should pass on all information held on behalf of the Association to his or her successor.

## Policies and Procedures 2008

### 3. OBLIGATIONS OF THE PUBLIC OFFICER

- 3.1 A Public Officer has the following obligation:-
- 3.1.1 A new Public Officer must lodge a Form 9 – Notice of Vacancy/Appointment/Change of Address in the Office of Public Officer notifying of their appointment, within fourteen (14) days of the appointment. Where a Public Officer changes his or her address the Public Officer must give the Registry notice within 14 days by lodging a Form 9 – Notice of Vacancy/Appointment/Change of Address of Public Officer, (section 25).
  - 3.1.2 The Register of Committee Members of the Association is to be kept at the residential address of the Public Officer and must be made available for inspection by any person, free of charge, at all reasonable hours. Where an incorporated Association has ceased to exist, the last Public Officer must keep the register for a period of at least 2 years after the date on which the Association ceased to exist. (section 21A).
  - 3.1.3 The Public Officer must lodge a Form 12 – Annual Statement (with the prescribed fee) within one (1) month after the date of each Annual General Meeting of the Association. The statement is a summary of the year's financial transactions. A penalty may be imposed on the Public Officer for financial transactions. A penalty may be imposed on the Public Officer for failure to lodge the form in the required time. If the Public Officer is not able to lodge the annual statement in time, a Form 11 – Application for Extension of Time for Holding Annual General Meeting or Lodging Statement (with the prescribed fee) setting out the reasons for the delay should be lodged before the due date. (section 27).
  - 3.1.4 The Public Officer must apply to the Commissioner for approval of a change of name within one (1) month after passing a special resolution to change the association's name. A Form 4 – Application for Approval for Change of Name must be lodged together with the prescribed fee. (section 14).
  - 3.1.5 After the passing of a special resolution altering the statement of objects or rules of an Incorporated Association, the Public Officer must lodge a Form 6 – Notice of Alteration of Objects or Rules (with the prescribed fee) setting out the particulars of the alteration. A penalty may be imposed on the Public Officer for failure to lodge the form in the required time. (section 20).
  - 3.1.6 The Public Officer has an obligation to bring all documents addressed to the Association to the attention of the committee as soon as practicable. This obligation continues for a period of twelve (12) months after a person has ceased to be the Public Officer. (section 63).