

Incorporation for Landcare Groups

WHY BECOME AN INCORPORATED LANDCARE GROUP?

Incorporation means that a group is recognised as a separate legal entity, not individual people. For landcare groups incorporation would occur under the *Associations Incorporation Act*. The main reason that groups incorporate is to more easily access Government funding.

ADVANTAGES OF INCORPORATION

- The landcare group can own land and other property in its own name.
- It has perpetual existence until formally wound up.
- It can enter into contracts in its own corporate name.
- It satisfies the common prerequisite for receipt of most Government funding that groups be incorporated.

ALTERNATIVE TO INCORPORATION

For a small landcare group it can affiliate itself with an incorporated body such as a council or other incorporated landcare group. This is useful for funding.

ADVANTAGES OF BEING UNINCORPORATED

- The group can easily be dissolved as there are no statutory obligations.
- Its accounts and financial affairs are not subject to public scrutiny as in the case of incorporated associations.
- It does not incur the costs of incorporation

INCORPORATION SHOULD BE SERIOUSLY CONSIDERED WHEN

- Trustees own land on its behalf
- Funding is sought from government sources
- Entering into contracts

WHAT PROCEDURES ARE INVOLVED TO INCORPORATE AN ASSOCIATION?

- The group must file Notice of Intention to Apply for Incorporation with the Department of Business, Economic Regional Development.
- Notice of the approval is then placed in a local newspaper.
- After one month application can be made for incorporation.

WHAT IS REQUIRED OF AN INCORPORATED ASSOCIATION?

If your group becomes incorporated, it will need to:

- Appoint a Public Officer.
- Submit annually audited balance sheets and financial statements for public scrutiny;
- Notify any changes of rules, objects, trusts or the nominated public officer; and
- Notify the winding up of the association to the Office of Business Affairs.

For information on incorporation contact the Department of Business, Economic and Regional Development on 1800 193 111 or visit their web site: http://www.nt.gov.au/justice/docs/cba/formfact/ba010103_inc_proc.doc