

Associations Incorporation Bill

A discussion draft Associations Incorporation Bill was tabled at the February 1997 Legislative Assembly Sittings. The draft was extensively circulated and a number of comments were received. These were considered in the preparation of an amended version of the Associations Incorporation Bill, based on the discussion draft which was introduced and Second read by the Attorney General, Hon D Burke MLA at the Northern Territory Legislative Assembly on 23 April 1997.

Most of the changes from the discussion draft relate to accounting issues. For instance:

- the requirement in the previous discussion draft in Clause 55(2)(b) that an auditor could not assist in the preparation of accounts of an association has been removed;
- notice of availability of audited balance sheets of "Clause 58 associations" or "tier three" associations (those incorporated trading associations, incorporated associations with a turnover of over \$500,000 per annum, or the prescribed amount, and incorporated associations exercising community government functions) must be given at least two weeks before the Annual General Meeting);
- the Registrar has, under Clause 57, an ability to allow the appointment of appropriately qualified accountants or a class of accountants to audit "tier two" associations who are not members of the Institute of Chartered Accountants, Australian Society of Certified Practising Accountants or registered company auditors;
- the registrar could allow, under Clause 58, the appointment of a person other than a registered company auditor, to audit an incorporated association with assets over \$500,000 (or the prescribed amount);
- a firm can audit an incorporated association under Clause 57 or 58 if it includes a registered company auditor who signs the accounts;
- Clause 118, dealing with prescribed property, has been amended to provide that where the dealing takes place in relation to prescribed property, which is Crown Lease under the *Crown Lands Act*, the approval of only the Minister for Lands Planning and Environment is required, though the advice of the Attorney-General, or delegate, must be sought before a decision is made.

The Bill is scheduled for debate at the August sittings and further comments would also be considered before final passage.

Copies of the Bill are available from Sue Richardson on 89 8999 4133. If sufficient interest exists, a further seminar could be held. Sue Richardson may also be contacted to indicate interest.

Dress of Counsel Before High Court

In response to a recent enquiry about the dress to be worn by counsel appearing before it, the High Court had the following response:

"... The Court expects that the dress of counsel appearing before it will be the dress customarily worn by counsel in the State or Territory in which counsel ordinarily practise."

BALANCE

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National Competition Council Review of Legislation

The National Competition Council (NCC) has released a compendium of nearly 2000 pieces of legislation which Commonwealth, State and Territory Governments are to review by the year 2000.

The review process forms part of the COAG National Competition Policy agreements signed in 1995. In line with these agreements, each jurisdiction has begun to review legislation - Acts, enactments, ordinances, and regulations - with a view to remove unnecessary barriers to competition.

The review process is driven by the overriding principle that legislation should not restrict competition unless it can be demonstrated that -

- the benefits of maintaining a competitive restriction outweigh the costs to the community from that restriction, and
- the objectives of a particular policy can only be achieved by restricting competition.

Expected reforms - to be implemented by the jurisdictions - will impact across the economy from professional groups to retailers and consumers.

It is expected that the benefits from the review process will include a reduction in regulation compliance costs, greater scope for business innovation and a market more responsive to the needs of consumers.

All jurisdictions will undertake reviews mindful of public interest considerations including the maintenance of community service obligations, ecological and regional issues.

The compendium is a key reference guide for stakeholders with an interest in competition policy.

The document will be updated at regular intervals by the NCC as the process evolves and can be purchased from Government Info Shops. Electronic versions can be obtained by calling the NCC (Ingrid de Vos on (03) 9285 7474.