

LEGISLATIVE COUNCIL

Question on notice

Tuesday, 12 May 2015

3158. Hon Robin Chappie to the Minister for Aboriginal Affairs.

I refer to the Mugarinya Community Association Incorporated, which is the governing body for the Yandeearra Community with a membership and an elected executive, and ask:

- (a) what level of oversight does the Minister have of the operations of the Mugarinya Community Association Incorporated at the Yandeearra Community;
- (b) if the Minister has no oversight, why not;
- (c) will the Minister provide information on all special general meetings held by Mugarinya Community Association Incorporated during 2014 and 2015;
- (d) if no to (c), why not;
- (e) under the *Associations Incorporation Act 1987*, Mugarinya Community Association Incorporated is obliged to keep an up to date register of members, will the Minister please table the latest register of members; and
- (f) if no to (e), why not?

Answer

(a) Under the *Associations Incorporations Act 1987* (the Act), the Minister has no specific powers of oversight. The Commissioner for Consumer Protection is empowered to receive applications to register an incorporated association, to accept the lodgement of changes to rules, to wind up associations and to investigate potential breaches of the Act and Regulations. There is no legal power for the Commissioner to have direct oversight of the operations of incorporated associations. Incorporated associations are governed by the rules put in place by the association's members.

(b) The Minister and the Commissioner for Consumer Protection do not have direct oversight of an incorporated association as it is a body corporate with the associated rights, responsibilities and liabilities of such a legal entity.

(c) No.

(d) The Minister and the Department of Commerce do not have or hold this information as it is a matter for the member of the association. The Act does not require an association to provide the minutes of their meetings. The Commissioner for Consumer Protection can compel such information to be provided if it is relevant to the investigation of a potential breach of the Act.

(e) No, the Minister and the Department of Commerce do not have or hold this information.

(f) The Act does not require an association to submit a copy of its register but it must be made available to a member of the association upon request. If access is refused to a member, the Commissioner for Consumer Protection can act upon a complaint and compel the provision of such information if it is relevant to the investigation of a potential breach.

