



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2023-112

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	27
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [REDACTED]
Subject: FOI Request
Date: Monday, 27 March 2023 12:59:17 PM

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Good afternoon,

I request the following Incorporated Association file under the Freedom of Information Act.

A05729 WEST BELCONNEN CHARNY CARNY ASSOCIATION

I do *not* seek any personal information from the file.

Thanks very much for your assistance.

Kind regards,

[REDACTED]



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 27 March 2023 in which you sought access to:

- *Incorporated Association file: A05729 WEST BELCONNEN CHARNY CARNY ASSOCIATION*

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 18 May 2023.

Decision on access

Searches were completed for relevant information maintained by CMTEDD, identifying seven documents within scope of your request.

I have decided to grant partial access to three documents and full access to one document. I have included as **Attachment A** to this decision, the schedule of relevant documents being released to you. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents. The corresponding documents released to you are provided as **Attachment B** to this letter.

Section 43(1)(d) of the Act states a respondent may refuse to deal with all or part an access application if:

- *the government information is already available to the applicant (see section 45)*

Section 45 (g) of the Act states that for section 43(1)(d), government information is already available to the applicant only if the information:

- *is usually available for purchase.*

Therefore, three documents have been excluded from this release, because they are publicly available to obtain for a fee.

You can obtain further information about how to apply for the information you are seeking by sending an email to citl@act.gov.au.

Statement of Reasons

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in Schedule 2

The public interest information under schedule 2 of the Act

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

Taking into consideration the information found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

- (i) promote open discussion of public affairs and enhance the government's accountability.*
- (iii) inform the community of the government's operations, including policies, guidelines and codes of conduct followed by the government in its dealing with members of the community.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in these documents promote open discussion of public affairs and inform the community of the government's operations. I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

- (ii) prejudice the protection of an individual's right to privacy or any other right under the [Human Rights Act 2004](#).*

Having reviewed the documents, I consider the protection of an individual's right to privacy is a significant factor and that the release of this information could prejudice their right to privacy under the *Human Rights Act 2004*.

Individuals are entitled to expect the personal information they have supplied as part of a government process will be dealt with in a manner that protects their privacy.

Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate
08 May 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
<i>All information in the possession of CMTEDD in relation to:</i> <ul style="list-style-type: none"><i>Incorporated Association file: A05729 WEST BELCONNEN CHARNY CARNY ASSOCIATION</i>	CMTEDDFOI 2023-112

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Certificate of Incorporation	2016	Full		Yes
2	2-3	Letter – Annual Return 24 July 2017	2017	Partial	Sch 2 s2.2 (a)(ii)	Yes
3	4-5	Letter – Annual Return 29 June 2018	2018	Partial	Sch 2 s2.2 (a)(ii)	Yes
4	6-7	Letter – Annual Return 20 June 2019	2019	Partial	Sch 2 s2.2 (a)(ii)	Yes

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ACT
Government

**Access
Canberra.**



AUSTRALIAN CAPITAL TERRITORY

A 361335

20/5/2016

A 361335

Associations Incorporation Act 1991

CERTIFICATE OF INCORPORATION

Association Number: **A05729**

*PUBLIC
A05729*

This is to certify that pursuant to section 19 of the *Associations Incorporation Act 1991*

WEST BELCONNEN CHARNY CARNY ASSOCIATION INCORPORATED

is on and from twentieth May 2016 incorporated as an association.

David SNOWDEN
REGISTRAR-GENERAL

20 May 2016

Certificate



ACT
Government

Chief Minister, Treasury and
Economic Development

THE PUBLIC OFFICER

A05729

WEST BELCONNEN CHARNY CARNY ASSOCIATION

Sch 2.2(a)(ii)

Dear Public Officer

I am writing to remind you that the financial year for **'WEST BELCONNEN CHARNY CARNY ASSOCIATION INCORPORATED'**, ends/ended on 30 June 2017 and advise of legislative changes that commenced on 1 July 2017 which may affect your annual return reporting obligations to Access Canberra.

Associations incorporated in the ACT and registered with the Australian Charities and Not-for-profits Commission (ACNC) are no longer required to lodge an annual return, change of committee or change of registered office with Access Canberra. These documents should only be lodged with the ACNC. I encourage you to read the attached information sheet for further information in relation to these changes.

Annual Return for Associations not registered with the ACNC

Please see over for further information about the documents required when lodging the Annual Return. **If you are registered as a charity with the ACNC, this does not apply to you.**

Information about auditing can be found on the annual return form at section 8, 'Category of Association'. Please ensure your association meets its auditing requirements under the appropriate category. Cheques and money orders should be made in favour of 'Access Canberra'.

Fees

There has been a change in the fee for lodging annual returns, including annual returns submitted within six (6) months after the return is due; the fees for a change of registered office; late change of public officer and late change of committee: all these fees have now been **REMOVED**.

A late fee is now only payable for Annual Returns lodged after six months of the end of an association's financial year. Please note this late fee applies to all associations regardless of revenue. Current fees are available on the Access Canberra website at www.accesscanberra.act.gov.au. Also, please carefully read the attached information to note what changes are applicable to you.

Service Centres

I also wish to remind you that the Access Canberra Fyshwick Shopfront is now closed. You can continue to email and post applications. To lodge in person, please attend your nearest Access Canberra Service Centre.

If you are unsure of your obligations please contact the office on 6207 3000 and select option 3 or email accesscanberra.bil@act.gov.au.

Yours sincerely

Sch 2.2(a)(ii)

Dale Pegg

Manager – Business and Industry Licensing

14 July 2017

Chief Minister, Treasury and Economic Development

GPO Box 158 Canberra ACT 2601 | phone: 132281 | www.act.gov.au

GENERAL INFORMATION FOR ASSOCIATIONS

Documents can be lodged at:

Email: accesscanberra.bil@act.gov.au (preferred method)

Mail applications: Access Canberra
GPO Box 158
CANBERRA ACT 2601

In person: Please visit www.act.gov.au/accessCBR
Or call 132281 to find an
Access Canberra Service Centre

What are the committee member's responsibilities?

The committee of the association is responsible for managing the affairs of the association. Committee members are responsible for the conduct of the association and are accountable for their actions to the members. For this reason committee members are encouraged to become familiar with the *Associations Incorporation Act 1991* (the Act), the *Associations Incorporation Regulation 1991*, the association's rules and the Incorporated Associations Practice Manual.

What are your reporting obligations?

Annual Returns - An incorporated association must lodge an Annual Return form with Access Canberra (AC). The information that an association needs to lodge in the annual return is an audited statement of the association's accounts, a copy of the auditor's report in relation to those accounts, which must be completed prior to the date of the AGM and a completed annual return form.

The committee is responsible for ensuring that annual returns are lodged with AC within six months of the end of the most recently ended financial year. If annual returns are not lodged for two consecutive years, AC may begin a process that could result in the cancellation of the association's incorporation.

Changes of Committee – Other than committee changes at an AGM any changes to the committee or when a committee member changes their address the association must lodge a Change of Committee Particulars form with AC. The previous fee for lodging a 'Late Change of Committee' has now been removed. The association should make every effort to advise AC of a change of committee within one month of the change occurring.

Change of Public Officer – Whenever a change of public officer or their address occurs, other than at the AGM, the association must lodge a Change of Public Officer form with AC. The previous fee for lodging a 'Late Change of Committee' has now been removed. The association must ensure a change of public officer is lodged with AC within one month of the change occurring.

Change of Registered Office – Whenever an association opens a registered office, changes the address of the registered office, or changes the opening hours of the registered office, the association must lodge a Change of Registered Office form with AC. Please note that the previous fee for this lodgment has been removed. The association should make every effort to advise AC within seven days of the change occurring.

Changes of Objects or Rules – Whenever the association resolves by special resolution to alter its objects or rules the association must lodge a 'Change of Rules or Objects of an Association' form with AC together with the prescribed fee.

Searching Association Records held by Access Canberra

Once an association is incorporated under the Act, the application and all documents lodged by the association are retained as computer images of the original documents. Copies of public documents, such as forms lodged with AC and generic letters sent by AC are available to be accessed by anyone for a fee. Private information on the record must be requested under Freedom of Information.

Committee members and the public officer can request that their address on the public record be kept confidential. This means that the Registrar-General must ensure that any document with the person's address on it can only be made available for inspection in a way that does not show the person's address. However, the public officer must have at least one address available for inspection. This could be the association's address, a post office box or some other general address.

Register of Members

Associations must keep a register of members and ensure it is available for members to view at a reasonable time and place in the ACT. The register should show the name of the member, an address for the member as well as the date they became a member, and, if applicable, the date their membership ceased.

Further information, forms, fees and the Incorporated Associations Practice Manual can be found on our website at www.accesscanberra.act.gov.au/app/answers/detail/a_id/1504/.



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Chief Minister, Treasury and
Economic Development

THE PUBLIC OFFICER

A05729

WEST BELCONNEN CHARNY CARNY ASSOCIATION

Sch 2.2(a)(ii)

Dear Public Officer

I am writing to remind you that the financial year for 'WEST BELCONNEN CHARNY CARNY ASSOCIATION INCORPORATED', ends/ended on 30 June 2017 and advise of legislative changes that commenced on 1 July 2017 which may affect your annual return reporting obligations to Access Canberra.

Associations incorporated in the ACT and registered with the Australian Charities and Not-for-profits Commission (ACNC) are no longer required to lodge an annual return, change of committee or change of registered office with Access Canberra. These documents should only be lodged with the ACNC. I encourage you to read the attached information sheet for further information in relation to these changes.

Annual Return for Associations not registered with the ACNC

Please see over for further information about the documents required when lodging the Annual Return. If you are registered as a charity with the ACNC, this does not apply to you.

Information about auditing can be found on the annual return form at section 8, 'Category of Association'. Please ensure your association meets its auditing requirements under the appropriate category. Cheques and money orders should be made in favour of 'Access Canberra'.

Fees

There has been a change in the fee for lodging annual returns, including annual returns submitted within six (6) months after the return is due; the fees for a change of registered office; late change of public officer and late change of committee: all these fees have now been REMOVED.

A late fee is now only payable for Annual Returns lodged after six months of the end of an association's financial year. Please note this late fee applies to all associations regardless of revenue. Current fees are available on the Access Canberra website at www.accesscanberra.act.gov.au. Also, please carefully read the attached information to note what changes are applicable to you.

Service Centres

I also wish to remind you that the Access Canberra Fyshwick Shopfront is now closed. You can continue to email and post applications. To lodge in person, please attend your nearest Access Canberra Service Centre.

If you are unsure of your obligations please contact the office on 6207 3000 and select option 3 or email accesscanberra.bil@act.gov.au.

Yours sincerely

Sch 2.2(a)(ii)

Dale Pegg

Manager – Business and Industry Licensing

29 June 2018

Access Canberra

GPO Box 158 Canberra ACT 2601

Phone 132281 / Email citl@act.gov.au

GENERAL INFORMATION

Mail applications: Access Canberra
GPO Box 158
CANBERRA ACT 2601

In person: Please visit www.act.gov.au/accessCBR
Or call **13 22 81** to find an
Access Canberra Service Centre

Phone: 13 22 81

Email (preferred lodgement method): accesscanberra.bil@act.gov.au

Please Note - Associations registered with the Australian Charities and Not-for-profits Commission (ACNC) no longer need to lodge annual returns or changes to the committee and the registered office with Access Canberra (AC). The association will still need to lodge any changes to the public officer and the rules/constitution with AC. Associations not registered with the ACNC must continue to lodge all documents with AC.

Responsibilities of the Association Committee - The committee of the association is responsible for managing the affairs of the association. Committee members are responsible for the conduct of the association and are accountable for their actions to the members. For this reason committee members are encouraged to become familiar with the *Associations Incorporation Act 1991* (the Act), the *Associations Incorporation Regulation 1991*, the association's rules and the 'Incorporated Associations in the ACT Guide'.

Annual Returns - An incorporated association must lodge an Annual Return with AC. The information that an association needs to lodge includes an audited statement of the association's accounts, a copy of the auditor's report and a completed annual return form.

The committee of the association is responsible for ensuring that annual returns are lodged with AC within six months of the end of the most recently ended financial year. If annual returns are not lodged for two consecutive years, AC may begin a process that could result in the cancellation of the association's incorporation.

Changes of Committee - Other than committee changes at an AGM any changes to the committee or when a committee member changes their address the association must lodge a Change of Committee Particulars form with AC. The association must ensure a change of committee is lodged with AC within one month of the change occurring.

Change of Public Officer - Whenever a change of public officer or their address occurs, other than at the AGM, the association must lodge a Change of Public Officer form with AC. The association must ensure a change of public officer is lodged with AC within one month of the change occurring.

Change of Registered Office - Whenever an association opens a registered office, changes the address of the registered office, or changes the opening hours of the registered office, the association must lodge a Change of Registered Office form with AC. The association must ensure a change of registered office is lodged with the Office of Regulatory Services within seven days of the change occurring.

Changes of Objects or Rules - Whenever the association resolves by special resolution to alter its objects or rules the association must lodge a 'Change of Rules or Objects of an Association' form with AC.

Searching Association Records held by Access Canberra - Once an association is incorporated under the Act, the application and all documents lodged by the association are retained as computer images of the original documents. Copies of public documents, such as forms lodged with AC and generic letters sent by AC are available to be accessed by anyone for a fee. Private information on the record must be requested under Freedom of Information.

Committee members and the public officer can request that their address on the public record be kept confidential. This means that the Registrar-General must ensure that any document with the person's address on it can only be made available for inspection in a way that does not show the person's address. However, the public officer must have at least one address available for inspection, such as the association's address, a post office box or some other general address.

Register of Members - Associations must keep a register of members and ensure it is available for members to view at a reasonable time and place in the ACT. The register should show the name of the member, an address for the member as well as the date they became a member, and, if applicable, the date their membership ceased.

Further information, forms, fees and the 'Incorporated Associations in the ACT Guide' can be found on our website at www.accesscanberra.act.gov.au/app/answers/detail/a_id/1504/kw.



ACT
Government

Chief Minister, Treasury and
Economic Development

A05729

THE PUBLIC OFFICER
WEST BELCONNEN CHARNY CARNY ASSOCIATION

Sch 2.2(a)(ii)

Dear Public Officer

I am writing to you in your capacity as the nominated public officer nominated for 'WEST BELCONNEN CHARNY CARNY ASSOCIATION INCORPORATED' (the association).

The financial year for the association ends on 30 June 2017 and lodgement of the Annual Return is due with Access Canberra within 6 months.

If your association is registered with the Australian Charities and Not-for-profits Commission (ACNC) please ignore this reminder. The annual return, change of committee or change of registered office should be lodged with the ACNC. Please note that if the association makes changes to the public officer and/or the constitution then it will need to lodge this information with Access Canberra.

The form to lodge your annual return can be found on the Access Canberra website at www.accesscanberra.act.gov.au. In the search field, type in 'incorporated associations'. Under the forms and fees tab on the webpage, you will be able to download the annual return form. There is no fee for Annual Returns lodged with Access Canberra within six months of the end of an association's financial year. Once the form is complete you can lodge the documents by sending them via email to citl@act.gov.au.

For more information in relation to the lodgement process please contact Access Canberra on 13 22 81 or email citl@act.gov.au.

Yours sincerely

Sch 2.2(a)(ii)

Manager, Community, Industry and Trader Licensing
20 June 2019

GENERAL INFORMATION FOR INCORPORATED ASSOCIATIONS

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