

# Form A-10 | Application to incorporate as a business group

Sections 11 and 14, Business Groups Incorporation Act 1974

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## Note

If there is insufficient space on the form to supply the information required, attach a separate sheet. Please type or print legibly in BLOCK letters.

## 1. Application process

An Application to Incorporate a business group may be submitted either in paper form or via the online registry. You may also visit any IPA office and ask for assistance in submitting the Application. Once an Application is submitted then the Registrar will determine if additional information is required from a third party (usually the dispute-settlement authority). If additional information is required, a form will be provided to the Applicants, who will be responsible for having the third party complete the form and return it to the Registrar.

## 2. Particulars of persons submitting this application

The following persons are authorized to act on behalf of the proposed business group with regard to its application. There must be at least three (3) named applicants. Each of the applicants must also be members of the committee.

### A. First Applicant

Full name (required in English)

Nationality

Other nationalities (if applicable)

### Postal address in PNG

PO Box or Private Mail Bag (required)

Post office location (optional)

City/Town (optional)

District (Required if Applicant is in PNG)

Province (Required if in PNG)

Post Code (optional)

**B. Second Applicant**

Full name (required in English)

Nationality

Other nationalities, if applicable

**Postal address in PNG**

PO Box or Private Mail Bag (required)

Post office location (optional)

City/Town (optional)

District (Required if Applicant is in PNG)

Province (Required if in PNG)

Post Code (optional)

**C. Third Applicant**

Full name (required in English)

Nationality

Other nationalities, if applicable

**Postal address in PNG**

PO Box or Private Mail Bag (required)

Post office location (optional)

City/Town (optional)

District (Required if Applicant is in PNG)

Province (Required if in PNG)

Post Code (optional)

### 3. Proposed name of business group

Note: the name of the group must end in "Business Group (Inc.)" or "Business (Inc)."

If the name is not written in English, provide the meaning of the name:

### 4. Postal address in PNG for service on the business group

PO Box or Private Mail Bag (required)

Post office location (optional)

City/Town (optional)

District (Required if Applicant is in PNG)

Province (Required if in PNG)

Post Code (optional)

### 5. Anticipated principal place of business address in PNG

Address line 1 (Instructions: enter street name and number, or allotment and section number. PO Box is not allowed.) (required)

Address line 2 (Instructions: use this line if needed, such as for village, apartment, or suite number.) (optional)

City/Town (optional)

District (required)

Province (required)

Postcode (optional)

Email address (This is the address to which communications from the Registrar will be sent. An email is required to use the online filings services.)

## 6. Qualifications for membership in the group

Indicate the qualifications (and disqualifications if any) for membership of the group.

### Notes for this Item 6:

The Registrar shall refuse to register a business group if the Registrar is satisfied that the group characteristics are so temporary, evanescent, or doubtful that the group does not have a corporate nature. The Registrar may refuse incorporation if the Registrar is satisfied that—

- (a) the group is not a customary group and has no real connection with such a group; or
- (b) the group contains persons who are not members of the customary group applying for incorporation; or
- (c) the group contains members who are not natural persons; or
- (d) some other form of incorporation or of organization under some other Act would be more appropriate and effective.

## 7. Identification of custom

Provide the name, or other means of identification, of any relevant custom in accordance with which, or subject to which, the group is to act.

## 8. Particulars of committee or other controlling body

Provide the following information concerning the title, composition, manner of appointment and other particulars of the committee or other controlling body of the group.

Title for the committee or other controlling body of the group:

Total number of members of committee:

How are committee members appointed?

Minimum number of committee members that must be present to hold a meeting:

How are decisions of committee made that are binding on the business group?

## 9. Initial Members of Committee

Name the persons serving as the initial members of the committee or other controlling body. There must be a minimum of three (3) members at all times.

### Instructions:

- If there are more than three members, please attach a separate sheet containing the information set out in the prescribed format.
- All names should be in BLOCK letter format.
- Residential address format: Address line 1\*, Address line 2, City/ Town, District\*, Province\*, Country
- Postal address format: PO Box or Private Mail Bag\*, Post Office Location, City/ Town, District\*, Province\*, Country
- An email address is required in order to use the online filing services of the registry.
- Please place an "X" next to the title of each committee member.

Full legal name:	Nationality:
Residential address:	Gender:
Postal address:	Month and year of birth:
Chairperson ____ Vice-Chairperson ____ Secretary ____ Treasurer ____ Member ____	Email address:

Full legal name:	Nationality:
Residential address:	Gender:
Postal address:	Month and year of birth:
Chairperson ____ Vice-Chairperson ____ Secretary ____ Treasurer ____ Member ____	Email address:

Full legal name:	Nationality:
Residential address:	Gender:
Postal address:	Month and year of birth:
Chairperson ____ Vice-Chairperson ____ Secretary ____ Treasurer ____ Member ____	Email address:

**10. Statement regarding committee**

The business group will at all times have at least three (3) committee members.

Yes

**11. Manner in which the group acts and the manner in which its acts are evidenced**

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## 12. Limitations on actions

List any limitations and/or conditions on the exercise of the powers conferred by this Act on the group.

**Note:** Section 18(1) of the *Business Groups Incorporation Act 1974* provides that the powers of a business group shall: (i) be regulated and exercised in accordance with, and subject to any conditions or limitations imposed by, its constitution and any relevant custom and (ii) be exercised in the manner specified by its constitution and any relevant custom.

## 13. Business activities

The following is the primary type of business to be conducted by this business group: (only tick 1 box):

- Agriculture, hunting, forestry
- Fishing
- Mining and quarrying
- Manufacturing
  
- Electricity, gas and water supply
- Construction
- Wholesale and retail trade, sale and repair of motor vehicles, motor cycles, personal/household goods
- Hotels and restaurants
- Transport, storage and communications
  
- Financial intermediation
- Real estate, renting and business service activities
- Public administration and defence, compulsory social security
- Education
- Health and social work
- Other community, social and personal service activities
- Private households with employed persons
- Extra-territorial organization and bodies

#### **14. Dispute settlement authority**

In order to be incorporated a business group must have at least one dispute-settlement authority. Under Section 40(2), a dispute-settlement authority may be a person or a number of persons—

- a) specified by name; or
- b) specified by office or position; or
- c) determined in the manner specified in this application

#### **A. Provide details on how the dispute settlement authority has been identified:**

#### **B. Identification of dispute settlement authority or authorities**

You must identify the dispute-settlement authority. Depending upon the nature of the dispute settlement authority, the identification will differ:

- 1) If an individual, provide their name and postal address; or
- 2) If it the holder of an official position or office, name the position or office; or
- 3) If otherwise, describe the manner for the future selection.

Provide the names of the persons designated as the initial dispute settlement authority.

*Note: no person named as a dispute settlement authority may be a member of the management committee. It may be preferable to have only one person named as the dispute-settlement authority.*

**1) Dispute settlement authorities that are individuals**

**First dispute settlement authority that is an individual**

Full name (required in English)

**Postal address in PNG**

PO Box or Private Mail Bag (required)

Post office location (optional)

City/ Town (optional)

District (required)

Province (required)

**Second dispute settlement authority that is an individual**

Full name (required in English)

**Postal address in PNG**

PO Box or Private Mail Bag (required)

Post office location (optional)

City/ Town (optional)

District (required)

Province (required)

**Third dispute settlement authority that is an individual**

Full name (required in English)

**Postal address in PNG**

PO Box or Private Mail Bag (required)

Post office location (optional)

City/ Town (optional)

District (required)

Province (required)

**2) Dispute settlement authority that is the holder of a position or office**

If the dispute authority is the occupant or holder of a position or office, name the position or office:

**3) Other method of identifying the settlement authority**

If there is another method of determining the settlement authority, describe that method here:

### 15. Additional Rules

Section 14(1)(i) of the *Business Groups Act* provides that there may be additional rules governing the dispute-settlement authority. Further, Section 14(2) of the Act provides that the constitution may contain rules subject to which the group is to act in substitution for any or all relevant custom.

Does this business group have additional rules?

Yes

No

If Yes, then you must attach the Rules to this Application.

### 16. General Matters

A business group may list any other matters that the group, with the approval of the Registrar, desires to have included in its constitution.

Name:  Address:	Telephone:  Email (optional):

### 17. Checklist

The following must accompany this form:

- If there are additional rules that apply to the dispute-settlement authority or to the actions of the group, they must be attached to this Application.
- The prescribed fee must accompany this form.
- If this form A-10 is being filed as part of a conversion of another incorporated entity into a business group, then additional documentation is required.