



## ESTABLISHING YOUR CLUB CONSTITUTION AND BECOMING INCORPORATED

Your club may have been active for a while and you need to adopt a CONSTITUTION.

This can be seen as complicated and daunting and is usually avoided by most members of the club. However, it is necessary and the Department of Sport and Recreation trusts that the information in this booklet will make it easier.



Department of Sport and Recreation  
Government of Western Australia

# 12



## What is a Constitution?

A constitution is a basic set of rules for the daily running of your club or group. It details for your members and others the name, objects, methods of management and other conditions under which your club or group operates and generally the reasons for its existence. It also regulates the relationship between members by setting out the basis for working with other co-members.

### WHY DO WE NEED A CONSTITUTION?

#### Constitutions:

- 1 Explain to members and non-members what your group is about.
- 2 Provide guidelines for the daily running of your group.
- 3 Help to sort out internal problems.
- 4 Are a legal necessity if your group wishes to become incorporated.
- 5 Can help in seeking resources from other organisations, such as a government agency.
- 6 Allow you to apply for a liquor licence. If your group intends to apply for a liquor licence under section 49 of the WA Liquor Licensing Act 1988, it will generally need to be incorporated. One of the pre-requisites for incorporation is a Constitution complying with the Associations Incorporation Act 1987.

### WHAT LEVEL OF DETAIL SHOULD YOU INCLUDE?

A constitution can be extremely simple, containing only the basic outline to explain who you are, what you are set up for and important management matters. The extent to which you add detail in the rules depends on the needs or formality at the time of setting up the group, and on your group's thoughts about the projected needs of the group as it grows. Many details relating to minor management matters are best included within bylaws or regulations thus keeping your constitution flexible and easy to operate within.

For incorporation purposes, the constitution must include the matters set out on page 11.

### WHAT TO AVOID

A constitution can be made up of two parts; the rules which include the basic principles of the group and can be changed only by a General Meeting, and the regulations or by-laws which can be changed by the committee.

You can place almost anything within a constitution. However many aspects of your club's operation are more easily handled outside the formality of the rules. For instance, you would not include the membership charges or club colours in the rules. The rules in your constitution should relate to the administration of the club. They should not relate to the conduct of the activities of the club. Additional non-administrative rules should appear in regulations and by-laws. A clause in the rules empowering the committee to make, alter or delete regulations or by-laws should appear in the constitution. This will be covered in more detail later. Let us now look at a "Draft Constitution".



## Draft Constitution

**This draft constitution is a guide, but may be adopted by your association or club.**

### 1 NAME

The name of the Association/Club is \_\_\_\_\_ (Inc.) hereinafter referred to as the "Association" or "Club" (NOTE: This example draft may refer to either Association or Club.)

### 2 OBJECTS

The objects of the Association are:

- 2.1 To
- 2.2 To
- 2.3 To
- 2.4 To
- 2.5 To

List as necessary to cover the purposes of the Association.

### 3 ATTAINING OBJECTS

The Association shall be empowered to do all things necessary which are incidental to and necessary for the attainment of the objects of the Association.

### 4 PROPERTY OF THE ASSOCIATION

The Association must apply all property and income of the association towards the promotion of the objects or purposes of the association. No part of that property or income to be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objects or purposes.

### 5 POWERS OF THE ASSOCIATION (as conferred by Section 13 of the Act).

- 5.1 To acquire, hold, deal with, and dispose of any real or personal property;
- 5.2 To open and operate bank accounts;
- 5.3 To invest its money –
  - (i) in any security in which trust moneys may be invested; or
  - (ii) in any other manner authorised by the rules of the Association;
- 5.1 To borrow money upon such terms and conditions as the Association thinks fit;
- 5.2 To give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;





- 5.3 To appoint agents and employees to transact any business of the Association on its behalf for reward or otherwise;
- 5.4 To build, construct, erect, maintain, alter and repair any premises building or other structure of any kind and to furnish equip and improve the same for use by the Association;
- 5.5 Accept donations and gifts in accordance with the objects of the Association;
- 5.6 Print and publish any information by any media including newsletters, newspapers, articles or leaflets for promotion of the Association;
- 5.7 Provide gifts and prizes in accordance with the objects of the Association;
- 5.8 Organise social events for Members and the promotion of the Association; and
- 5.9 To enter into any other contract the Association considers necessary or desirable.

## 6 MEMBERSHIP

- 6.1 Membership shall be open to any person who wishes to further the interests of the Association.
- 6.2 Any person seeking membership shall make application to the Management Committee, and the Management Committee shall determine whether the application is successful or not.
- 6.3 Each person admitted to membership shall be;
  - 6.3.1 Bound by the Constitution and By-laws of the Association.
  - 6.3.2 Come liable for such fees and subscriptions as may be fixed by the Association.
  - 6.3.3 Entitled to all advantages and privileges of membership.
- 6.4 Membership Categories:
  - 6.4.1 **ORDINARY MEMBER**  
Any person who is a financial member of the Association is entitled to hold any office and enjoy the privileges of the Association.
  - 6.4.2 **SOCIAL MEMBER**  
Persons other than ordinary members who are interested in promoting the Association, but who do not wish to participate in the playing activities of the Association, may become a Social Member.
  - 6.4.3 **JUNIOR MEMBER**  
Any person under the age of 18 years may become a Junior Member. Junior Members shall have no voting rights nor be entitled to hold any office.



6.4.4 LIFE MEMBERSHIP

The Management Committee as a Life Member may elect any member who has given outstanding service to the Association. Any member may nominate a person to the Management Committee for consideration for Life Membership.

6.4.5 PATRON

The Association may, at its discretion, elect a patron/s or vice patron/s of the Association for such period as may be deemed necessary. Such patron/s or vice patron/s shall not be eligible to vote unless they are current members of the Association under another category of membership.

6.4.6 AFFILIATED CLUBS OR TEAMS

A club or team desirous of becoming an affiliated club or team must take application in accordance with the by-laws of the Association. Such application must be lodged with the Association Secretary on or before a date as determined by the Management Committee of the Association. Each affiliated club or team shall appoint or elect a delegate as his or her representative to meetings of the Management Committee.

6.5 The Management Committee shall appoint a member of the Management Committee to maintain an up to date register of members of the Association.

6.6 A member may at any reasonable time inspect the records and documents of the Association.

7 SUBSCRIPTIONS

7.1 (to be paid by different classes as and when they are due)

8 TERMINATION OF MEMBERSHIP

8.1 Any person's membership may be terminated by the following events:

8.1.1 resignation

8.1.2 expulsion

8.1.3 a member's annual membership fee remains unpaid after [insert period] falling due;





- 8.2 The Management Committee shall have the power to suspend or expel any member of the Association for:
- 8.2.1 any of the events in Item 8.1
  - 8.2.2 false or inaccurate statements made in the member's application for membership of the Association,
  - 8.2.3 breach of any rule, regulation or by-law of the Association and
  - 8.2.4 by any act detrimental to the Association.  
After having undertaken due inquiry.
- 8.3 Any member who is expelled, suspended or has their membership terminated, shall have the right to appeal against their suspension or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final.

## 9 MANAGEMENT COMMITTEE

- NB: (1) sometimes called Executive Committee.  
(2) Committee persons are sometimes referred to as Office Bearers.  
(3) the main Office Bearers are often referred to as The Executive.
- 9.1 Management of the Association shall be vested in the Management Committee elected by the members at the Annual General Meeting and consisting of:
- 9.1.1 President
  - 9.1.2 Vice President
  - 9.1.3 Secretary
  - 9.1.4 Treasurer
  - 9.1.5 \_\_\_\_\_ Committee Members (Number to be nominated)
  - 9.1.6 Club or Team delegates
- 9.2 No person shall hold more than one position on the Management Committee at any one time. A person shall cease to be a member of the Management Committee at the conclusion of the Annual General Meeting which follows his/her election and he will be eligible for re-election.
- 9.3 A quorum of the Management Committee shall be half of its members plus one.
- 9.4 If the President or Vice President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.





- 9.5 A member of the management committee may lose his or her seat on the committee for either of the following;
- Absence from three or more meetings without leave of absence.
  - Found not to be a financial member.

## 10 POWERS OF THE MANAGEMENT COMMITTEE

- 10.1 The Management Committee shall carry out the day-to-day running of the Association and shall have the power to:
- 10.1.1 Administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;
  - 10.1.2 Fix the manner in which such banking accounts shall be operated upon, providing the Management Committee passes all payments;
  - 10.1.3 Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
  - 10.1.4 Adjudicate on all matters brought before it which in any way affect the Association.
  - 10.1.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;
  - 10.1.6 Make, amend and rescind rulings and By-laws;
  - 10.1.7 Have the power to form and appoint any sub committee/s as required for specific purposes;
  - 10.1.8 May at their discretion employ a person or persons to carry out certain duties required by the Association, at salaries or remunerations for such period of time, as may be deemed necessary.
  - 10.1.9 Should a vacancy occur on the Management Committee during the season, the Management Committee shall appoint a successor until the next Annual General Meeting.
  - 10.1.10 Appoint an officer/s or agent of the Management Committee to have custody of the Association's records, documents and securities.





## 11 AUDITOR

11.1 The Annual General Meeting shall elect or appoint an Auditor or Auditors.

11.2 The Auditor/s shall examine and audit all the books and accounts of the Association annually, and have the power to call for all books, papers, accounts, receipts etc., of the Association and report thereon to the Annual General Meeting.

## 12 GENERAL MEETINGS:

### 12.1 Annual General Meeting

12.1.1 The Annual General Meeting of the Association must be held within four months of the end of the club's financial year.

12.1.2 The Secretary shall give at least fourteen (14) days notice of the date of the Annual General Meeting, to members.

12.1.3 All financial members may attend the Annual General Meeting.

12.1.4 The quorum at the Annual General Meeting, shall be a minimum of \_\_\_\_\_ members. If, at the end of 30 minutes after the time appointed in the notice for the opening of the Meeting, there be no quorum the meeting shall stand and adjourn for one week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.

12.1.5 The agenda for an Annual General Meeting shall be:

- Opening of Meeting
- Apologies
- Confirmation of Minutes of previous Annual General Meeting
- Presentation of Annual Report
- Adoption of Annual Report
- Presentation of Treasurer's statement
- Election of New Executive and appointment of Auditor
- Vote of thanks to outgoing Executive
- Determination of Annual Membership Fee
- Notice/s of Motion
- Urgent general business
- Closure



## 12.2 General Meetings

- 12.2.1 General Meetings may be called by the Management Committee or at the request of the President and Secretary or on the written request of \_\_\_\_\_ members of the Association.
- 12.2.2 The Secretary shall give at least seven (7) days notice, in writing, of the date of the General Meeting to the members. Notice of General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that General Meeting.
- 12.2.3 The quorum at the General Meeting shall be a minimum of \_\_\_\_\_ members.

## 13 VOTING

### 13.1 Voting powers at the Annual General Meeting and General Meetings:

- 13.1.1 The President shall be entitled to a deliberate vote and, in the event of a tied vote, the President shall exercise a casting vote.
- 13.1.2 Each individual financial member present shall have one (1) vote.

### 13.2 Voting powers at Management Committee Meetings;

- 13.2.1 The President shall be entitled to a deliberate vote, and, in the event of a tied vote, the President shall exercise a casting vote.
- 13.2.2 Each individual committee member present shall have one (1) vote.

## 14 FINANCE

- 14.1 All funds of the Association shall be deposited into the Association's accounts at such bank or recognised financial institution as the Management Committee may determine.
- 14.2 All accounts due by the Association shall be paid by cheque after having being passed for payment at the Management Committee Meeting and when immediate payment is necessary, account/s shall be paid and the action endorsed at the next Management Committee Meeting.
- 14.3 The Secretary shall not spend more than a set amount Petty Cash without the consent of the Management Committee, and shall keep a record of such expenditure in a Petty Cash Book.
- 14.4 A statement showing the financial position of the Association shall be tabled at each Management Committee Meeting by the Treasurer.





14.5 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The auditor's report shall be attached to such financial report.

14.6 The financial year of the Association shall commence on \_\_\_\_\_ (date) each year. The accounts, books and all financial records of the Association shall be audited each year.

14.7 The signatories to the Association's account/s will be the Treasurer and any one (1) from the following;

- President
- Vice President
- Secretary
- Treasurer

14.8 All property and income of the Association will apply solely to the promotion of the objects of the Association and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members, except in good faith in the promotion of these objects.

## 15 COMMON SEAL

(A rubber stamp on which is engraved the Association's name)

The common seal of the Association shall be kept in the care of the Secretary.


The seal shall not be used or affixed to any deed or document except pursuant to a resolution of the Management Committee and in the presence of at least the President and two members of the Committee, both of whom shall subscribe their names as witnesses.

## 16 ALTERNATIONS TO THE CONSTITUTION AND BY-LAWS:

16.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or General Meeting, called for that purpose and notice of all motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose.

16.2 The Secretary shall forward such notices of motion to each Management Committee member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.

16.3 Alterations to the By-laws can be made only at Management Committee Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members.



16.4 Such motions, or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) majority (Special Resolution) of those present and entitled to a vote at the Annual General Meeting, General Meeting or Management Committee Meeting, as the case may be.

16.5 Within one month of the passing of a Special Resolution, the Secretary shall notify the Department of Consumer and Employment Protection of the amendment.

(In the case of a licensed club, the Director of Liquor Licensing must also be notified.)

#### 17 DISSOLUTION

If, on the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property shall be distributed:

- (a) to another incorporated association having objects similar to those of the Association; or
- (b) for charitable purposes, which incorporated Association or purposes, as the case requires, shall be determined by resolution of the members.



## Incorporation

Incorporation of a club provides a legal identity for that club, separate from that of the members, which relieves the members of the committee and the club from liability for authorised acts of the club. This is one of the foremost protection devices available to clubs. It should be remembered, however, that incorporation does not prevent actions for negligence against individual members in all circumstances.

The areas of liability which concern community groups are:

- Liability of coaches, administrators and organisers;
- Users of parks, ovals, etc. leased or used by groups;
- Sports players;
- Spectators; and
- Products liability, including goods sold; for example kiosks, canteens.

How these areas of public liability that affect your club need to be carefully examined.

## ELIGIBILITY FOR INCORPORATION

An association is eligible to be incorporated under Section 4 (1) of the Associations Incorporation Act 1987, if it has more than five members and is formed:

- (a) for religious, educational, charitable or benevolent purposes;
- (b) to promote or encourage literature, science or the arts;
- (c) for sport, recreation or amusement;
- (d) to establish, carry on, or improve a community, social or cultural centre, or promote the interests of a local community;
- (e) for political purposes; or
- (f) for any other purpose approved by the Minister.

An association formed for the purposes of trading or securing pecuniary profit to the members from the transactions of the association, is not eligible to be incorporated under Section 4 (1) of the Act.

You should be satisfied that the purposes of your club meets the purposes outlined in Section 4 (1) of the Act prior to commencing incorporation.

If you are unsure that the purpose of your club will "fall within" the eligibility criteria of Section 4 (1) of the Act, an application may be made to the Business Names Branch of the Department of Consumer and Employment Protection. To do this, you must lodge a copy of your club's constitution, with an application fee, with the Department of Consumer and Employment Protection. When approval is given you may proceed with the following incorporation stages.



Here is a step-by-step procedure that will help you to incorporate your club.

### STEP ONE: CONSTITUTION

The preceding pages will have assisted you in drafting your constitution. We will now outline all matters that must be considered prior to incorporation

These three steps are suggested:

- 1 Draw up your constitution and have it checked by an independent party to ensure that it meets all of the listed requirements of the Act (refer to checklist below). The following people may be able to help – the Department of Sport and Recreation, the Associations Branch at the Department of Consumer and Employment Protection, local Recreation Officer, or your solicitor.
- 2 Have the constitution adopted at a club meeting.
- 3 The same meeting should appoint a person authorised by your club to make the application for, and to follow through with, the incorporation process on behalf of the club.

#### **Checklist for matters to be provided for in rules of an Incorporated Association**

- 1 The name of the incorporated association.
- 2 The objects or purposes of the incorporated association, including a provision in, or substantially in, the following terms:

The property and income of the association shall be applied solely towards the promotion of the objects or purposes of the association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the association except in good faith in the promotion of those objects or purposes.

- 3 The qualifications [if any] for membership of the incorporated association.
- 4 The register of members of the incorporated association.
- 5 The entrance fees, subscriptions and other amounts [if any] to be paid by members of the incorporated association.
- 6 The name, constitution, membership and powers of the committee or other body having the management of the incorporated association [in this clause referred to as "the committee"] and provision for:
  - a. The election or appointment of members of the committee;
  - b. The terms or office of members of the committee;
  - c. The grounds on which, or reasons for which, the office of a member of the committee shall become vacant;
  - d. The filling of casual vacancies occurring on the committee; and
  - e. The quorum and procedure at meetings of the committee.





- 7 The quorum and procedure at general meetings of members of the incorporated association.
- 8 The time within which, and manner in which, notices of general meetings and notices of motion are to be given, published or circulated.
- 9 The manner in which funds of the association are to be controlled.
- 10 The intervals between general meetings of members of the incorporated association and the manner of calling general meetings.
- 11 The manner of altering and rescinding the rules and of making additional rules of the incorporated association.
- 12 Provisions for the custody and use of the common seal of the incorporated association.
- 13 The custody of records, books, documents and securities of the incorporated association.
- 14 The inspection by members of the incorporated association of records and documents of the incorporated association.

#### STEP TWO: NAME VERIFICATION

Prior to advertising, it is required that you write to the Department of Consumer and Employment Protection or complete an **Enquiry as to Availability of Association Name** form, which requests verification that the name of your intended incorporated club will be available for registration within Western Australia. This form can be downloaded from:

[www.fairtrading.wa.gov.au/publications/forms/associations/association\\_name\\_enquiry.pdf](http://www.fairtrading.wa.gov.au/publications/forms/associations/association_name_enquiry.pdf)

An Association Incorporation Kit containing the forms required for incorporating your club can be obtained by contacting the Department of Consumer and Employment Protection:

Tel: 1300 30 40 14

**Head Office:**  
Department of Consumer  
and Employment Protection  
219 St Georges Terrace  
Perth WA 6000

**Postal Address:**  
Department of Consumer  
and Employment Protection  
Locked Bag 14  
Cloisters Square WA 6850

Section 8 (1) of the Associations  
Incorporation Act reads:

The Commissioner shall not incorporate an association under this Act by a name that, in the opinion of the Commissioner is:

- Offensive or undesirable;



- Likely to mislead the public as to the object or purpose of the association;
- Identical with the name by which an association in existence is already incorporated under this Act or the repealed Act, or which resembles any such name in a manner likely to mislead the public; or
- Identical with or likely to be confused with the name of other body corporate or any registered business name.

If the Commissioner refuses to allow the name you request, your club has the right of appeal by lodging a written representation with the Minister responsible for the Act.

### STEP THREE: ADVERTISEMENT

- 1 The Department of Consumer and Employment Protection will advise if the requested name is acceptable.
- 2 Publish. **“Form 2” (Advertisement of Intended Application for Incorporation)** in a newspaper circulating in the area (your local community newspaper may be sufficient) not less than ONE MONTH nor more than THREE MONTHS before the application is made to the Department for Consumer and Employment Protection. This form can be obtained from [www.fairtrading.wa.gov.au/publications/forms/associations/association\\_application\\_form\\_2.pdf](http://www.fairtrading.wa.gov.au/publications/forms/associations/association_application_form_2.pdf)  
The advertisement does not need to be lodged with the Minister, and needs to be published only once.

### STEP FOUR: APPLICATION

- 1 Following a period of more than one month and less than three months after the advertisement, you can apply for incorporation. To apply, you must submit the following:
  - **Form 1 (An Application for Incorporation of Association)** can be downloaded from [www.fairtrading.wa.gov.au/publications/forms/associations/association\\_application\\_form\\_1.pdf](http://www.fairtrading.wa.gov.au/publications/forms/associations/association_application_form_1.pdf)
  - One copy of the constitution of the club marked “A”
  - The **Applicant’s Certificate to Accompany Application for Incorporation** can be downloaded from [www.fairtrading.wa.gov.au/publications/forms/associations/certificate.pdf](http://www.fairtrading.wa.gov.au/publications/forms/associations/certificate.pdf)
  - A cheque to the value of \$80.00 (or such other fee as may be set from time to time) made payable to the Department of Consumer and Employment Protection.





### STEP FIVE: INCORPORATION

- 1 If the Commissioner is satisfied that the Associations Incorporation Act has been complied with (that is, you have complied with the stages to date) the Commissioner will incorporate your club by the issuing of a Form 3 (Certificate of Incorporation).
- 2 The Commissioner is not permitted to incorporate your club, however, if he/she thinks your club should be incorporated under some other law or the incorporation would be against the public interest.
- 3 If the Commissioner refuses to incorporate your club, you have the right of appeal to the Minister within one month of receiving the notice of the Commissioner's refusal. Your appeal request must be lodged in writing to the Minister, accompanied by the required application fee and addressed to:

Hon Minister for Consumer  
and Employment Protection  
c/- Department of Consumer  
and Employment Protection  
Locked Bag 14  
Cloisters Square WA 6850

### STEP SIX: COMMON SEAL

On incorporation of your club, the final stage is to purchase a common seal for your club. A common seal is a rubber stamp engraved with the Association's name. Common seals can be manufactured by rubber stamp manufacturers and most foot wear repair outlets. Take along the Certificate of Incorporation to make up the seal. Remember, it is important that the name of your club on the common seal corresponds to the name of your club on the Incorporation Certificate.

#### Alterations to Constitutions

- 1 An incorporated club may wish to alter its constitution in the following ways:
  - Amend, add or delete any items, sections or rules.
  - Change its name.
  - Change any of its objects. Sections 17, 18 and 19 of the Act set out on page 15 must be observed
- 2 To make any alterations to your constitution your club must undertake two steps:
  - Amend the club's constitution by a special resolution adopted at a General Meeting in accordance with your club's constitution.



- Advise the Manager, Business Names Branch of Department of Consumer and Employment Protection within one month of adoption of the special resolution (in writing) setting out the particulars of the alterations accompanied by a Notice of Special Resolution given by a member of the committee, verifying:
  - i. The special resolution was passed according to the club's constitution; and
  - ii. The constitution of the club so altered conforms to the Associations Incorporation Act. A filing fee must accompany the certificate.
  - iii. To change the name of the club and/or the objects of the club, the previous two steps are followed. However, the Minister for Consumer and Employment Protection has the discretion as to whether to approve the new name and objects, and whether to require the club to advertise its intention to change the name or objects. Until approved the change is not effective
- iv. Any changes to the constitution will have no effect until the Notice of Special Resolution is lodged with the Department of Consumer and Employment Protection. Therefore, if receipt of lodgement is required, you should post the Notice by certified mail or lodge the notice in person at the public counter of the Business Names Branch, Department of Consumer and Employment Protection, 219 St Georges Terrace, Perth.

Notice of Special Resolution forms can be down loaded from [www.fairtrading.wa.gov.au/publications/forms/associations/resolution.pdf](http://www.fairtrading.wa.gov.au/publications/forms/associations/resolution.pdf)

Following approval to change the club's name a further fee is required and a certificate of change of name will then be issued. If the Commissioner does not approve the change of name or objects, your club may appeal to the Minister as per Step Five.





### **MANAGEMENT OF AN INCORPORATED ASSOCIATION**

Part V of the Act sets out the management responsibilities of an Incorporated Association. Some of those are set out on page 32 of the Act.

Section 42 of the Act (refer to page 32) sets out the responsibilities of committee members to ensure compliance by the Association with the provisions of the Act. A penalty of up to \$500 per committee member is payable.

It follows that each committee member should be issued with a copy of, and be aware of, the provisions of the Act and any amendments.

### **JUST BE CAREFUL!**

#### **Associations Incorporation Act – Section 17**

17. i) Subject to sections 18 and 19, an incorporated association may alter its rules by special resolution, but not otherwise.
- ii) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow an incorporated association shall lodge with the Commissioner notice of the special resolution setting out particulars of the alteration, together with a certificate given by a member of the committee certifying that the resolution was duly passed as a special resolution and that the rules of the association as so altered conform to the requirements of this Act. Don't leave yourself open to a heavy fine.
- iii) An alteration of the rules of an incorporated association does not take effect until sub-section ii] is complied with.

#### **Associations Incorporation Act – Section 18**

##### **Change of name of incorporated association**

18. i) An alteration of the rules of an incorporated association having effect to change the names of the association does not take effect until section 18 is complied with and the approval of the Commissioner is given to the change of name.



**Associations Incorporation Act – Section 19**

Alteration of objects  
of incorporated association

19. i) An alteration of the rules of an incorporated association having effect to alter the objects or purposes of the association does not take effect until section 17 is complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

**Associations Incorporation Act – Section 27**

Register of members

27. An incorporated association shall keep and maintain an up-to-date register of the members of the association and their postal or residential addresses and, upon the request of a member of the association, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

**Associations Incorporation Act – Section 28**

Rules to be available to members

28. An incorporated association shall keep and maintain up-to-date rules of the association and, upon the request of a member of the association, shall make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but shall have no right to remove the rules for that purpose.

**Associations Incorporation Act – Section 42**

Responsibility of Committee Members

42. If a member of the committee of an incorporated association fails to take all reasonable steps to secure compliance by the association with its obligations under this Act, the member commits an offence and is liable to a fine of \$500.





This resource is part of the **Club Development Scheme**, which provides assistance to Western Australian sport and recreation clubs and organisations to become better managed, more sustainable and to provide good quality services to members and participants.

Other resources in the series include:

- Step by Step to Starting a New Club
- Planning for Your Club – The Future is in Your Hands
- Taking the Lead! A Guide for Club Presidents
- The Key to Efficiency – The Club Secretary
- Lighten the Load and Delegate – Help for the Overworked Committee Member
- Show Me the Money – A Guide for Club Treasurers
- Take the In Out of Ineffective – 10 Steps to Running Successful Meetings
- Effective Club Meetings
- You Have the Answers – Solving Club Problems
- Marketing and Promoting Your Club
- Seeking and Servicing a Sponsor
- Risky Business – A Club Guide to Risk Management



Other resources and education and training workshops are also available for volunteers involved in the delivery of sport and recreation through the Volunteer Management and Club/Association Management Program. Topics include:

### **VOLUNTEER MANAGEMENT**

- Recruiting Volunteers
- Retaining Volunteers
- Volunteer Management Policy
- The Volunteer Coordinator
- Managing Event Volunteers
- Volunteer Management:  
A guide to good practice

### **CLUB/ASSOCIATION MANAGEMENT**

- Creating a Club
- Club Planning
- Financial Management
- Committee Management
- Conducting Meetings
- Event Management
- Marketing and Promoting Sport and Recreation
- Sponsorship, Grants and Fundraising
- Legal Issues and Risk Management





For further information refer to our website [www.dsr.wa.gov.au](http://www.dsr.wa.gov.au) or contact us at:

### **Department of Sport and Recreation**

Meagher Drive, Floreat WA PO Box 66, Wembley WA 6913  
Tel: 9387 9700 Fax: 9387 9726 [info@dsr.wa.gov.au](mailto:info@dsr.wa.gov.au)

---

#### **GASCOYNE**

1st Floor  
14 Robinson Street  
PO Box 140  
Carnarvon WA 6701  
Tel: 9941 2153 Fax: 9941 4055  
[gascoyne@dsr.wa.gov.au](mailto:gascoyne@dsr.wa.gov.au)

#### **GOLDFIELDS**

25 Porter Street  
PO Box 1036  
Kalgoorlie WA 6430  
Tel: 9021 5399 Fax: 9021 5335  
[goldfields@dsr.wa.gov.au](mailto:goldfields@dsr.wa.gov.au)

#### **GREAT SOUTHERN**

1st Floor  
234 Stirling Terrace  
Albany WA 6330  
Tel: 9841 6800 Fax: 9842 1660  
[greatsouthern@dsr.wa.gov.au](mailto:greatsouthern@dsr.wa.gov.au)

#### **KIMBERLEY**

Shop 24  
Kununurra Shopping Centre  
Konkerberry Drive  
PO Box 1127  
Kununurra WA 6743  
Tel: 9168 1987 Fax: 9168 3035  
[kimberley@dsr.wa.gov.au](mailto:kimberley@dsr.wa.gov.au)

#### **MID WEST**

77 Marine Terrace  
PO Box 135  
Geraldton WA 6531  
Tel: 9964 5333 Fax: 9921 6555  
[midwest@dsr.wa.gov.au](mailto:midwest@dsr.wa.gov.au)

#### **PEEL**

Suite 3  
The Endeavor Centre  
94 Mandurah Terrace  
PO Box 1445  
Mandurah WA 6210  
Tel 9535 3309 Fax: 9535 9688  
[peel@dsr.wa.gov.au](mailto:peel@dsr.wa.gov.au)

#### **PILBARA**

1 Welcome Road  
PO Box 294  
Karratha WA 6714  
Tel: 9185 0914 Fax: 9185 0198  
[pilbara@dsr.wa.gov.au](mailto:pilbara@dsr.wa.gov.au)

#### **SOUTH WEST**

80A Blair Street  
Bunbury WA 6230  
Tel: 9791 7100 Fax: 9791 7963  
[southwest@dsr.wa.gov.au](mailto:southwest@dsr.wa.gov.au)

#### **WHEATBELT**

297 Fitzgerald Street  
PO Box 55  
Northam WA 6401  
Tel: 9622 0150 Fax: 9622 0160  
[wheatbelt@dsr.wa.gov.au](mailto:wheatbelt@dsr.wa.gov.au)

---