

FACT SHEET

Guide to Legislative Requirements

As an incorporated not for profit entity, your club is legislatively required to annually report on all activities. This is a requirement of the Office of Fair Trading (OFT) and failure to comply with this can result in punitive actions being taken against the group from both the OFT and other Government Departments.

You are also required to abide by both the Associations Incorporations Act 1981 and Associations Incorporation Regulation 1999.

Your club as an Incorporated entity has the same rights as individuals, in that it can own property, undertake a lease, get loans, hold bank accounts and appear in court. An incorporated body also provides a measure of protection to the executive committee from personal liability.

Incorporation

To incorporate an association in Queensland, you must be a:

- group with at least seven members
- not-for-profit association

To incorporate, an association needs to convene a general meeting. At this meeting, several decisions must be made. An association must:

- pass a motion to incorporate by resolution
- choose an appropriate name
- adopt a set of operating rules
- elect a President, Secretary and Treasurer (two different people must hold the President and Treasurer positions)

- lodge Association Incorporation [Form 1 – Application for incorporation of an association](#)
- pay the fee
- have an address in Queensland where documents can be personally served

More information on Incorporation, including any law changes can be found by contacting the Office of Fair Trading or at www.fairtrading.qld.gov.au

Finance

Your club will, depending on its size, be required to provide audited/verified statements to the OFT within 6 months of the end of the org's financial year.

The financial responsibilities for Incorporated associations are available [here](#).

Insurance

Public liability insurance protects your association if a person suffers:

- an injury
- damage to their property.

This might be due to an incident that:

- takes place on your association's property
- relates to the actions of your association (or one of its members).

The Queensland Government provide details about incorporated groups insurance requirements on their [website](#).

Many state and national associations are able to provide insurance through a direct association/affiliation with a state/national governing body.

For an organisation to hire a facility or hold a lease with Council, you are required to hold Public Liability Insurance. If you are Go Clubs registered, you will be required to submit details of your Public Liability Insurance to Council for an amount not less than \$20 million with Cairns Regional Council noted as an interested party.

Model Rules/Club Constitution

An Incorporated Association must have a constitution. This written set of rules outlines your operations including your members rights, how the management committee works and how meetings are run.

You may use either the model rules or you can write your own rules. The model rules are a standard set of rules that an incorporated association can use instead of writing their own. A copy of these model rules can be found on the Office of Fair Trading's [website](#).

Committee Members

There are regulations regarding the members of an org's executive. Ultimately, the management committee is responsible for the operation of the incorporated association.

Incorporated Clubs are required to notify the OFT of all changes to the positions of President, Secretary and Treasurer within one month of the vacancy being filled. This must be done with the Associations Incorporation Form 10a - Change of Details relating to an incorporated association. This form and further info is available [here](#).

In addition to this, it is a requirement that all members of the executive must be above 18 years of age, with the secretary being either a resident of Queensland or one who lives within 65km of the Queensland border. A person may be ineligible for election to an executive position if they have been convicted on indictment, jailed or are bankrupt.

More information on all legislative requirements of incorporated associations can be found - [Here](#)

For enquiries:

Email: goclubs@cairns.qld.gov.au

Phone: 1300 69 22 47 (Club Development Officer)

