

# Associations Incorporation Form 1



Queensland Government

## Application for incorporation of an association

Associations Incorporation Act 1981

This form is effective from 1 July 2018

ABN: 13 846 673 994

### OFFICE USE ONLY

Date received

Lodgement details

LU number: .....

**You can either lodge online on the OFT website at [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading) or complete and return this form.**

### Instructions

Please use **BLOCK** letters when completing this form. Attach extra sheets if necessary. All dates should be DD/MM/YYYY.

### Privacy statement—please read

The Office of Fair Trading collects information, including personal information, on this form as required by the *Associations Incorporation Act 1981* to process your application. Your personal information will be placed on a register which may be inspected by the public upon payment of a prescribed fee. Any documents required by the Office of Fair Trading are available for inspection by the public upon payment of a prescribed fee. Additionally, information on this form can be disclosed without your consent where authorised or required by law. Under the *Fair Trading Act 1989* information may also be shared on a confidential basis with other Australian fair trading agencies.

### Fees

The applicable fee for this form is available on the Fair Trading website at [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading). No GST is payable on the fee.

## Part 1—Personal particulars—appointed person

### Person appointed to make this application

Any correspondence regarding this application will be sent to this person.

Preferred title  Mr  Mrs  Ms  Miss Other (specify) .....

Last name ..... Given name .....

Postal address .....

Suburb ..... State  Postcode

Phone (day time) ..... Mobile .....

Email .....

## Part 2—Current or unincorporated association details

### Current association

E.g. 'XYZ' hockey association.

An association is not eligible if it has less than seven members.

If the association is a branch, the written agreement of the parent association to allow incorporation must be included with this application. If the applicant is only affiliated with a body, written consent is not required.

**Note:** the secretary of an incorporated association must, within 30 days after incorporation, request the Registrar of Titles in writing to record in the appropriate register details of land or any interest in land gained by the association because of its incorporation under the Act.

- a) Current name of association .....
- b) Number of members currently in association .....
- c) Approximately when did the association commence? .....
- d) Does the association provide a financial gain to its members?  Yes  No
- e) Is the association a branch of another association?  Yes  No
- f) If yes, what is the full name of the parent association? .....
- g) Does the association own or lease land or hold an interest in land, or is a trustee of trust land under the *Land Act 1994*?  Yes  No  
If yes, please provide details .....

## Part 2—Current or unincorporated association details continued

### Resolution passed

If the association is a branch, the resolution can only be passed after the parent body has given permission for incorporation.

The members of the above named unincorporated association at a general meeting duly convened and held at .....

..... on   /   /      
D D M M Y Y Y Y

passed a resolution with three quarters majority deciding to incorporate under the Act and to adopt proposed rules for the incorporated association. A second resolution was also passed to appoint the person named in Part 1 to make this application.

## Part 3—Proposed incorporated association particulars

### Proposed name

The association's name must include either 'Inc.' or 'Incorporated'. (\* Please tick whichever is applicable) If the association is a branch, it must include the word 'branch' in its name. e.g. 'XYZ hockey association—Gatton branch Inc.' Registration will be made in the first available name.

1st preference .....

.....  Incorporated\* /  Inc\*

2nd preference .....

.....  Incorporated\* /  Inc\*

3rd preference .....

.....  Incorporated\* /  Inc\*

### Postal address

Postal address .....

Suburb ..... State    Postcode

### Nominate address for service

A post office box address is not acceptable.

Address .....

Suburb ..... State    Postcode

### Bank details

Name of **existing** or **proposed** bank/building society/credit union .....

.....

Branch .....

### Office holders of the association following incorporation

A post office box address is not acceptable.

If a secretary has not yet been elected, the association must appoint a secretary within one month of incorporation and notify the department (use Form 10A).

**President:** Name .....

Residential address .....

Suburb ..... State    Postcode

Phone ..... Mobile .....

**Treasurer:** Name .....

Residential address .....

Suburb ..... State    Postcode

Phone ..... Mobile .....

**Secretary:** Name .....

Residential address .....

Suburb ..... State    Postcode

Phone/Fax ..... Mobile .....

Email .....

Preferred contact method  Phone  Fax  Mobile  Email  Mail

### Part 3—Proposed incorporated association particulars continued

#### Association rules

Associations can choose to adopt either the model rules or their own rules.

Own rules must include matters to be provided for in the rules as stated in Schedule 3 of the Associations Incorporation Regulation 1999.

**N.B.** Any alterations/deletions to model rules other than allowed for in Appendix B means the association is adopting its 'own' rules and must follow Part (a).

The association will be :

a)  adopting its **own rules**.

If adopting own rules, the association must :

complete **Appendix A** of this form identifying matters to be provided for in own rules.

complete prescribed statutory declaration signed by appointed person declaring rules comply with the *Associations Incorporation Act 1981*.

attach a complete copy of rules to application.

**OR**

b)  adopting the **model rules**.

If adopting model rules, the association must :

complete **Appendix B (only completed Appendix B form to be lodged)**.

#### Books of account address

Must be kept in Queensland.

**A post office box address is not acceptable.**

Address .....

.....

Suburb ..... State  Postcode

### Part 4—Declaration

#### Declaration

I confirm that the unincorporated association applying for incorporation is eligible to do so as it:

has seven members or more

is not already incorporated under the *Industrial Relations Act 1999*

does not provide financial gain to its members

is not a parents and citizens association under the *Education (General Provisions) Act 1989*.

#### Sign here

Signature of appointed person .....

Dated:  /  /   
D D M M Y Y Y Y

Left blank intentionally,  
please turn over for more details

## Lodgement

### Lodgement details

This form can be completed online on the OFT website at [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading). Alternatively, this completed form, along with any supporting documentation and fees, can be lodged by mail or in person.

#### By mail:

Registration Services  
Office of Fair Trading  
GPO Box 3111  
Brisbane QLD 4001

Visit [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading) or call **13 QGOV** (13 74 68) for information and your nearest Fair Trading Office.

### Notice to appointed person

#### Checklist:

Have you completed Parts 1–4 of the application?

Have you signed the declaration in Part 4?

Have you included the appropriate fee?

If you are applying to use own rules have you:

Completed Appendix A?

Signed the statutory declaration?

Had the declaration witnessed by a Justice of the Peace / Commissioner for Declarations?

Attached the full copy of rules?

If you are adopting model rules have you:

Completed and signed Appendix B?

## Payment details

### Payment details

Cash—pay in person     Credit card     Money order     Cheque  
**Do not send cash by mail**

Make money order or cheque payable to the Office of Fair Trading.

**A receipt will not be issued unless specifically requested.**

### Credit card payment

Charge my:  Mastercard     VISA

Credit card number:

Cardholder's name: .....

Amount authorised: \$ .....    Expiry date:   /

Cardholder's signature: .....

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### Complete this appendix only if the association is adopting its own rules.

#### Matters to be provided for in rules (Part 1—matters with examples)—

Each of these matters must be fully provided for in the association's rules.

Possible wording for any or all of these rules may be found in the model rules.

|  | Insert rule number |
|--|--------------------|
| 1. The name of the incorporated association (example—see model rule 2).  |                    |
| 2. The objects of the incorporated association (example—see model rule 3).   |                    |
| 3. Any membership or other fees to be paid by the members of each class of membership of the incorporated association (example—see model rule 8).  |                    |
| 4. Whether or not there is a right of rejection or termination of membership and if so, the way the rejection or termination is decided (example—see model rules 9 and 10).  |                    |
| 5. Whether or not there is a right of appeal against rejection or termination of membership and if so, how the right of appeal may be exercised (example — see model rules 11 and 12).                                       |                    |
| 6. The recording of minutes of proceedings of management committee meetings and general meetings, and inspection of the minutes of a general meeting by financial members (example—see model rules 26(1) and 41(1) and (3)). |                    |
| 7. The verification of the accuracy of the recorded minutes of meetings (example—see model rules 26(2) and 41(2)).   |                    |
| 8. The amendment or rescission of, or addition to, the rules of the incorporated association (example—see model rule 43(1)).   |                    |
| 9. The validation of an amendment or rescission of, or addition to, the rules of the incorporated association (example—see model rule 43(2)).  |                    |
| 10. The form, custody and use of the common seal of the incorporated association (example—see model rule 44).  |                    |
| 11. The way the income and property of the incorporated association may be used (example—see model rule 46(2)).  |                    |
| 12. The custody of the books, documents, instruments of title and securities of the incorporated association (example—see model rule 47).  |                    |
| 13. The end date of the incorporated association's financial year (example—see model rule 48).   |                    |
| 14. Distribution of surplus assets on winding-up (example—see model rule 49).  |                    |

#### Matters to be provided for in rules (Part 2—matters without examples)—

Each of these matters must be fully provided for in the association's rules.

|  |  |
|--|--|
| 1. The following matters about membership:   |  |
| a) the classes of membership of the incorporated association   |  |
| b) the conditions of entry to a class  |  |
| c) whether membership of a class is limited or unlimited in numbers  |  |
| d) how a class is limited, if at all, and additional limitations of rights for a class, for example, voting rights and eligibility for holding office. |  |

|  |  |
|--|--|
| 2. The following matters about the management committee:   |  |
| a) the designation of the positions constituting the management committee and how a member of the management committee is elected or appointed to a position |  |
| b) the term of office of a member  |  |
| c) the resignation of a member   |  |
| d) how a member is removed from office   |  |
| e) appeal rights of a member if the member is removed from office  |  |
| f) how a casual vacancy on the management committee is filled  |  |
| g) the frequency of meetings of the management committee, how the meetings are called and the notice requirements for a meeting                              |  |
| h) the procedure for meetings and the size of a quorum   |  |
| l) the functions and powers of the management committee.   |  |
| 3. The following matters about general meetings of the incorporated association:   |  |
| a) the grounds for calling a meeting   |  |
| b) how a meeting is called   |  |
| c) the procedure for general meetings.   |  |
| 4. How the register of members is kept.  |  |
| 5. The way the income and property of the incorporated association is to be managed and how the association's cheques must be drawn and signed.              |  |

## Statutory declaration

### QUEENSLAND OATHS ACT 1867—STATUTORY DECLARATION UPON INCORPORATION

I, ..... do solemnly and sincerely declare that:  
 (name)

1. I am the person appointed by resolution of the members of

.....  
 (name of unincorporated association)

to prepare and make an application for the association to be incorporated under the *Associations Incorporation Act 1981*.

2. The 'own rules' adopted by the members of the above mentioned association by resolution passed with a three quarters

majority on   /   /     comply with the *Associations Incorporation Act 1981* and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Declared at .....  
 (place)

in the State of Queensland on   /   /    .

.....  
 (signature of Appointed Person)

Before me .....  
 (J.P., Commissioner for Declarations, etc)

# Appendix B



## Application for incorporation of an association

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|  |  |
|--|--|
| <p><b>Rule 2—Name</b></p> <p>Insert the first preference of name as per Part 3 on the <i>Application for incorporation of an association</i>. Include the word 'Incorporated' or 'Inc.' at the end of the name.</p>  | <p><b>Complete this appendix only if the association is adopting the model rules.</b></p> <p>If you wish to add any further clauses (other than those below) you must adopt own rules and complete Appendix A and the statutory declaration instead.</p> <p>The name of the incorporated association (in these rules called 'the association') is:</p> <p>.....</p>  |
| <p><b>Rule 3—Objects</b></p> <p>If there is not enough space in this appendix for the objects, attach additional pages.</p>  | <p>The objects for which the association is established are:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>  |
| <p><b>Rule 4—Powers</b></p> <p>Insert the current name of the unincorporated association as shown at Part 2(a) on the application form. This rule ensures that the 'incorporated' association now takes over from the old unincorporated association. It still applies whether or not the old unincorporated association actually has any funds, assets or liabilities—of course, many new associations will often be in this situation.</p> | <p>The association may take over the funds and other assets and liabilities of the present unincorporated association known as the:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p style="text-align: center;">(Do not include the word 'Incorporated' or 'Inc' at the end of the name)</p> |
| <p><b>Rule 48—Financial year</b></p>   | <p>The end date of the association's financial year is <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> in each year.</p> <p style="text-align: center;">D D M M</p>  |

|  |   |  |  |
|--|---|--|--|
| <b>Rule 5—Classes of membership</b>          | <p>The model rules set out the classes of membership of an association. All associations who adopt the model rules have an unlimited number of 'ordinary members'. Other classes of membership could include associate, life or honorary membership. In the table below:</p> <ol style="list-style-type: none"> <li>For 'ordinary members' fill in columns (b) and (c) (column (a) has been filled in for you already in relation to ordinary members).</li> <li>Fill in all columns if the association has additional classes of members.</li> </ol> <p>If the association has a class of membership specifically for persons under 18 years of age, note that these members are not entitled to vote (unless permitted by law) or to hold positions on the association's management committee. These limitations should be reflected in column (c) headed 'Membership limitations'.</p> |  |  |
| <b>Class of member</b>                       | <b>Description of membership</b><br>(Complete all columns)  |  |  |
|  | <b>a) Number of members in this class</b><br><br>(Describe the number of members. Put 'unlimited' if there is no limitation.)   | <b>b) Membership eligibility</b><br><br>(Describe what criteria have to be met for this class of membership. <b>Note:</b> entry requirements should differentiate between the classes of membership. Please do not write 'Nil'.) | <b>c) Membership limitations</b><br><br>This refers to the voting rights and election to committees. (Please enter 'nil' if there are no limitations.)     |
| <b>Example:</b><br>Junior members            | No more than 100 junior members at any one time.  | <ol style="list-style-type: none"> <li>Must be under 18 years of age.</li> <li>Must be a registered hockey player.</li> <li>Must support the objects of the association.</li> </ol>  | <ol style="list-style-type: none"> <li>May not vote (unless permitted by law).</li> <li>Not eligible for election to the management committees.</li> </ol> |
| Ordinary                                     | Unlimited   |  |  |
|  |   |  |  |
|  |   |  |  |
|  |   |  |  |
| <b>Sign here</b><br>This form must be signed | <p>The matters contained in this appendix are the insertions to the model rules agreed to by a resolution passed at a meeting of the association by the votes of at least three quarters of the association's members who are present and entitled to vote on the resolution.</p> <p>Signature of appointed person: .....</p> <p>Dated: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p style="text-align: center;">D D M M Y Y Y Y</p>  |  |  |