

Associations Incorporation Form 1



Queensland
Government

Application for incorporation of an association

Associations Incorporation Act 1981

This form is effective from 10 August 2020

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 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 (OFT) 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.

If you give the OFT an email address to communicate with you, the personal information in these communications will be stored on your email service provider's servers. These servers may be outside of Australia. By giving us your email address, you are consenting to the personal information contained within the emails to and from the OFT to be transferred outside Australia.

Fees

The applicable fee for this form is available on the Fair Trading website at 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

IMPORTANT!

Please make sure you:

- provide all necessary information and documentation
- sign the application
- return all pages of the application form.

Please lodge the completed application, any supporting documentation and applicable fees to the Office of Fair Trading at the address below, at one of our regional offices, or at a Queensland Government Service Office.

By mail:

Registration Services Unit, GPO Box 3111, Brisbane QLD 4001

In person:

Visit www.qld.gov.au/fairtrading or call **13 QGOV** (13 74 68) for information and your nearest Fair Trading Office or Queensland Government Service 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?

Left blank intentionally,
please turn over for more details

Payer details

This section must be completed if payment has been made by another person on behalf of the applicant.

Name

Postal address

Suburb State Postcode

Mobile Fax number

Receipt request Yes No

Email

Payment

Payment details

Cash—pay in person Debit/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.

Debit/Credit card

OFT cannot accept debit/credit card details over the phone, fax or email (including any attachments) in accordance with the Payment Card Industry Data Security Standard. If an email or fax is received containing debit/credit card details, it will be deleted immediately and your application and payment will not be processed.

Charge my:



Go online to www.qld.gov.au/fairtrading

Debit/Credit card number:

Cardholder's name:

.....

Amount authorised:

\$ Expiry date: /

Cardholder's signature:

.....



Online payments

Tick box if you wish to pay online

If you select this option, once OFT has received your documentation, an officer will be in contact to provide you with a Customer Reference Number (CRN). You can use this to pay via the following methods:



Go online to www.qld.gov.au/fairtrading



Payments can be made using **BPAY** through your bank or financial institution using the reference details that will be provided to you.



By post

A cheque or money order can be posted in, together with the application form.

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



In person

You can also visit a Fair Trading Office or an applicable Queensland Government Service Office to lodge this application and pay the applicable fees over the counter.

Visit www.qld.gov.au/fairtrading or call **13 QGOV** (13 74 68) for your nearest Fair Trading Office or Queensland Government Service Office.

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Proceed to next section.**

Application for incorporation of an association

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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)

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<p>Rule 2—Name 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>Complete this appendix only if the association is adopting the model rules. 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>Rule 3—Objects 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>Rule 4—Powers 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 style="text-align: center;">(Do not include the word 'Incorporated' or 'Inc' at the end of the name)</p>
<p>Rule 48—Financial year</p>	<p>The end date of the association's financial year is <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> in each year. D D / M M</p>

Rule 5—Classes of membership	<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"> For 'ordinary members' fill in columns (b) and (c) (column (a) has been filled in for you already in relation to ordinary members). Fill in all columns if the association has additional classes of members. <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>		
Class of member	Description of membership (Complete all columns)		
	a) Number of members in this class (Describe the number of members. Put 'unlimited' if there is no limitation.)	b) Membership eligibility (Describe what criteria have to be met for this class of membership. Note: entry requirements should differentiate between the classes of membership. Please do not write 'Nil'.)	c) Membership limitations This refers to the voting rights and election to committees. (Please enter 'nil' if there are no limitations.)
Example: Junior members	No more than 100 junior members at any one time.	<ol style="list-style-type: none"> Must be under 18 years of age. Must be a registered hockey player. Must support the objects of the association. 	<ol style="list-style-type: none"> May not vote (unless permitted by law). Not eligible for election to the management committees.
Ordinary	Unlimited		
Sign here 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; font-size: small;">D D M M Y Y Y Y</p>		