



June 2007

CPNS Current Issues Sheet 2007/3

New Associations Incorporation Regulations

Associations Incorporation and Another Regulation (No. 1) 2007
Subordinate Legislation No. 120 2007

These regulations accompany the *Associations Incorporation and Other Legislation Act 2006* which amends substantially the regulation of Queensland incorporated associations. The Regulations and the provisions of the amending Act both commenced on Friday 15 June, 2007.¹

The main changes are:

1. Provisions which require recording keeping for the preparation of financial statements have been altered to accommodate the split level financial reporting requirements. The new financial reporting will apply to associations that have financial year end after 15th June 2007, for example 30th June, 2007.
2. The regulation governing the requirements of issuing cheques has been altered to allow more convenience on the part of incorporated associations. The new provision is:

“(1) A cheque issued by an incorporated association must be signed by any 2 of the following individuals—

- (a) the president of the association;
- (b) the secretary of the association;
- (c) the treasurer of the association;
- (d) another member of the association approved under subsection (4).

“(2) However, 1 of the persons who signs a cheque must be the president, the secretary or the treasurer.

“(3) An incorporated association must comply with the requirements under subsection (1) and (2)
Maximum penalty—4 penalty units.

“(4) For subsection (1) (d), the management committee of an incorporated association may authorise up to 3 members of the association to sign cheques issued by the association.”

This differs from the old provision which applied to ‘negotiable instruments’ not only cheques and the association can now authorise up to three members to sign cheques as well as the office bearers.

Note that payments of \$100 or more still need to be made by cheque or electronic funds transfer (Regulations, Schedule 5, item 3)

3. The model rules have been completely re written and feature a number of new provisions. Note however, that these rules will only apply to organisations that are incorporated after 15 June 2007 unless the associations go through the process of adopting them by a special resolution of the members. The new model rules will also affect those associations with their ‘own rules’ that are subject to the gap filling provisions of section 47 of the Act. The register of members has a new provision in the new model rules (clauses 13 & 14) and allows for the management committee to withhold information about a member and restrictions on the use of such information.

¹ Subordinate Legislation 2007 No. 119.

Clause 17 reflects the new duties for secretaries included in the amended Act which includes 'keeping copies of all correspondence and other documents relating to the association'.

Note that the filing fees under the Act may be altered shortly and commence on 1 July 2007.

The Department of Fair Trading has made available on its website a series of fact sheets about the new provisions and can be accessed at <http://www.fairtrading.qld.gov.au/OFT/oftweb.nsf/Web+Pages/D68461D060892A7E4A2572E2000F88F8?OpenDocument>

The consolidated legislation and regulations is available from the Queensland Government legislation internet site at <http://www.legislation.qld.gov.au> .

Refer to our Current Issues Information Sheet 2007 No 1. for details of the new Act, available at: <http://www.fairtrading.qld.gov.au/oft/oftweb.nsf/Web+Pages/D68461D060892A7E4A2572E2000F88F8?OpenDocument>

The Developing Your Organisation site is in the process of being updated to reflect the new provisions <https://olt.qut.edu.au/bus/dyo/>