

Comments on Draft *Associations Incorporation Regulation 2022*

The following comments relate to the Model Constitution, which, in respect of the matters commented-upon below, appears to be unchanged from the 2016 regulation.

1 There is no restriction on the age of a prospective member. However, only members aged 18 or above may vote in a General Meeting. This seems inappropriate. It is easy to imagine associations with significant numbers of members under the age of 18. Many would expect to be able to vote as a right of membership.

2 In respect of the inconsistency in 1 above, it has never been clear to me as to the extent to which an association may deviate from the strict wording of the model constitution in forming its by-laws. In some matters, such as the setting of membership fees, an association, clearly, may deviate. But, referring to 1 above, as an example, it is not clear to me as to whether or not an association may, in its by-laws, choose to open voting to members below the age of 18. There are other instances where this uncertainty exists. The draft Regulation “prescribes a model constitution for associations ...”. In the context of the above, just what does “prescribe” mean?

3 In describing the composition of the committee, the first statement says that “The committee must have 7 members” but, later having named four office-bearer positions, it is stated that there may be at least 3 ordinary members. Why, then does the opening statement allow for **at least** 7 members. If the provision for at least 3 ordinary members exists **only** to allow for achievement of 7 committee members in the situation in which one person occupies more than one office-bearer position, then this should be made quite clear. Once again, can an association choose to have more committee members? Or, for that matter, fewer members?