

# ADOPTING A NEW CONSTITUTION

## A Step by Step Guide

**Note:** This information sheet contains useful tips for creating, adopting and registering an updated constitution with the Queensland Office of Fair Trading. More information is available from [www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au)

All incorporated associations must have a set of operating rules. These rules are commonly known as the incorporated association's constitution. This written set of rules outlines the incorporated association's operations, its members' rights, how the management committee works and how meetings will be run.

You can either write your own constitution or use the model rules, which are a standard set of rules compliant with the Act and Regulations.

If you use the model rules, the only details you can change are:



- name of the incorporated association
- name of the unincorporated association
- objects of the incorporated association
- financial year of the incorporated association
- classes of membership

To update/amend and register a new constitution, you must follow these steps:

**1. CREATE** your own constitution or use the model rules provided by the Office of Fair Trading:

- To use the model rules, download Microsoft Word and PDF versions from:  
<http://www.fairtrading.qld.gov.au/incorporating-an-association.htm>



**2. CALL** a general meeting or annual general meeting to hear and decide a proposed special resolution of the association:

- The secretary must give at least 14 day's notice of the meeting to each member of the association, in writing. This written notice must include the proposed special resolution, as well as the time and place of the general meeting at which it is proposed to move the resolution
- The wording for your proposed special resolution could read, *'That ABC Sports Club Inc. adopts as the new rules of the association the model rules provided by the Office of Fair Trading'*
- The special resolution must be passed by the votes of at least 3/4 of the members who are present and entitled to vote on the resolution and voting



**3. REGISTER** the new constitution with the Office of Fair Trading, using Associations Incorporation Form 8 - Application to register an amendment of rules (link [HERE](#)) and pay the prescribed fee. Applications must be lodged within three months of passing the special resolution at a general meeting of the association. The new constitution does not take effect until the association has received confirmation from the Office of Fair Trading.



## FREE CONSTITUTION ASSESSMENT



If you would like an **obligation-free assessment** of your constitution, you can upload a copy [here](#) and we will assess your constitution at **no cost**. Or contact one of our consultants [here](#) to discuss a review of your constitution.