

Membership

Incorporated associations

What are the qualifications for membership?

The association's constitution must specify any qualifications for membership.

The Model constitution provides that a person is a member of an association if that person is a natural person and:

- has applied and been approved for membership in accordance with the procedure set out in the constitution
- was a member of an unincorporated body immediately before its incorporation
- was a member of an association immediately before amalgamating to form an association
- was a member of a registrable corporation immediately before that entity registered as an association.

Can an association have corporate or affiliated members?

An association's constitution may allow other incorporated bodies (such as incorporated associations, co-operatives or companies) to be members of the association, or for the association to have affiliated members.

An association that wishes to do so must adopt its own constitution and may need to obtain legal advice regarding appropriate clauses.

The Model constitution does not cover these situations.

Is there a limit on the number of members?

An association must have at least 5 members at all times. However a maximum limit is not set for the number of members.

An association's incorporation may be cancelled if it has fewer than 5 members.

When does a person cease to be a member?

The association's constitution should set out the circumstances in which membership ceases. The Model constitution provides the following circumstances in which a person ceases to be a member:

- if the person dies
- the person resigns membership
- the person is expelled from the association
- the person fails to pay the annual membership fee within 3 months after the fee is due.

Can all members vote at a general meeting?

The association's constitution should specify members' eligibility to vote.

The constitution must make provision for the various resolutions that may be voted on by postal or electronic ballot and whether members are entitled to vote by proxy at general meetings.

The Model constitution specifies each member is entitled to 1 vote at a general meeting and all votes must be given personally or by postal or electronic ballot, but proxy votes are not permitted.

Can non-financial members vote at the annual general meeting?

The association's constitution should set out if non-financial members can vote at the annual general meeting.

The Model constitution specifies a member is not entitled to vote at any general meeting, unless all money due and payable by the member has been paid.

Can non-financial members nominate others or stand for election?

The association's constitution must set out provisions on the election or appointment of members of the committee. This includes nomination of persons to stand for election to the management committee.

Can persons under the age of 18 be members and vote?

Persons under the age of 18 (minors) are not prevented from becoming members under the *Associations Incorporation Act 2009* (the Act).

Where the association has members who are minors, the constitution should clearly detail their rights and privileges.

The Model constitution specifies that a member under the age of 18 years is not entitled to vote.

The Act does not permit members of the association under the age of 18 years to be members of the committee.

What is the register of members?

The association's constitution must make provision for a register of members. This includes the establishment, maintenance, safekeeping and inspection of the register of members.

The Model constitution specifies the association's secretary must establish and maintain the register of members, in written or electronic form. The register must be kept at the main premises of the association or at its official address. The register must be available for inspection free of charge by any member, at any reasonable hour.

The register should specify the name, postal or residential or email address of each member and the date their membership commenced.

Information on the register may only be used for limited purposes. The Model constitution allows a member to request that their information (other than the member's name) is not made available for inspection.

Need more information?

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