

# Forming a Board or Committee

## Forming a board or committee

Incorporated associations in Tasmania are formed and regulated under the *Associations Incorporations Act 1964* (the Act). The Act authorises the Associations Incorporation (Model Rules) Regulations 2007 (the Model Rules). Some or all of the Model Rules may be adopted by an incorporated association to form its constitution. Adoption is not mandatory, and an association may wish to base its constitution on other resources such as [Communities, Sport and Recreation's Template Constitutions](#).

## What is the difference between a board and committee?

The two terms are used interchangeably. As Communities, Sport and Recreation follows the Good Governance Guidelines of Sport Australia which uses the term board, this is the term used below.

## Persons who have the management of the affairs of the association

It is important to note that under the Act and the Model Rules, if there is no formally

appointed board: "...the persons (however styled) who have the management of the affairs of the association" are considered to constitute the board.

If an incorporated association adopts or substantially bases its constitution on the model rules, these individuals may use the powers extended to the 'board' under the model rules.

The Act holds the board responsible for several activities, for example the keeping of correct accounting records.

## When should a board be formed?

The Act does not require that a board be formed prior to incorporation. Under the Act, the only formal position required to be provided with the application for incorporation is that of a Public Officer.

Depending on individual circumstances, individuals or groups should consider the benefits of forming a board prior to or post incorporation. For example, an unincorporated club with an established board structure may wish to incorporate and retain that leadership group until the first annual general meeting (AGM) as an incorporated body.

If a new organisation is being formed, it may be preferable for members to vote first on incorporation and appoint a Public Officer, and then hold an AGM as soon as practical after incorporation to elect the first board.

Current as at August 2019

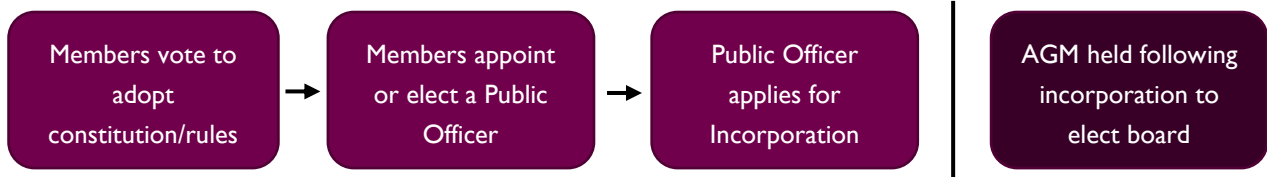


## Example flowcharts

The flowcharts below demonstrate two of the available options for deciding when to elect or appoint a board. Established unincorporated associations seeking to incorporate, as well as new organisations, can follow these processes. Please note that these are only two of the available options and other procedures may be more suitable in individual cases.

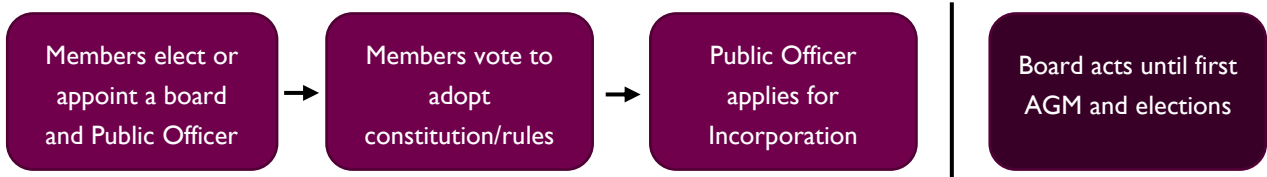
### **Unincorporated body**

### **Incorporation**



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### **Incorporation**



## Where can I get more information?

Section 7 of the Act sets out what an application for incorporation shall contain.

Information on incorporation can be found on the Communities, Sport and Recreation website, via the Sport and Recreation – Good Governance link.

The *Associations Incorporation Act 1964* is available at <http://bit.ly/2p882HT>

The Model Rules are available at <http://bit.ly/14F4T8J>

For specific inquiries relating to incorporation contact Consumer, Building and Occupational Services on 1300 65 44 99 or visit the website at [www.consumer.tas.gov.au/registrations/incorporated\\_associations](http://www.consumer.tas.gov.au/registrations/incorporated_associations)

Incorporation forms and fees can be found on the Consumer, Building and Occupational Services website at [http://www.consumer.tas.gov.au/forms\\_and\\_fees](http://www.consumer.tas.gov.au/forms_and_fees)