



# What is an Incorporated Association?

The Bundoora Pre-school Association became an incorporated body in 1986. Bundoora Pre-school Association Incorporated's registration number is **A0008814S**.

There are more than 35,000 incorporated associations in Victoria. They are clubs or community groups, operating not for profit, whose members have decided to give their organisation a formal legal structure. You can recognise an incorporated association by the word 'Incorporated' or the abbreviation 'Inc.' after its name.

When a club or community group incorporates, it becomes a 'legal person' – that is, a legal entity that stays the same even if its members change. It can enter into contracts in its own name; for example, to borrow money or buy equipment. This protects the individual members of the association from legal liabilities.

Victorian incorporated associations are registered with Consumer Affairs Victoria under the *Associations Incorporation Act (1981)*.

## The Constitution

Bundoora Pre-school Association Incorporated developed its *Constitution* upon incorporation in 1986. The *Constitution* consists of the *Statement of Purpose* of the Association and the *Standard Rules* which all members of the association must adhere to. The *Constitution* was developed with reference to the *Model Rules for an Incorporated Association*, developed by Consumer Affairs Victoria under the *Associations Incorporation Act (1981)*

## Membership of Bundoora Pre-school Association Incorporated

According to the *Bundoora Pre-school Association Incorporated Constitution*:

The members of the Association shall comprise:

*(a) the parents and legal guardians of the children attending the children's service managed by the Association; and*

*(b) any interested citizen approved by the Committee of Management who pays an annual subscription of not less than one dollar and is approved for membership by the Committee of Management for the current financial year. Renewal of the membership is at the discretion of the committee.*

In short, all families who pay the Maintenance Levy and fees are members of the Association.

## The Committee of Management

The Committee of Management of an Incorporated Association manages the affairs of the association and has statutory responsibilities under the *Associations Incorporation Act 1981*. There are penalties for breaching these responsibilities.

The committee must appoint a Public Officer, who is the main point of contact between the

association and Consumer Affairs Victoria. The Public Officer must be at least 18 years old and reside in Victoria (As of December 2011, the 'Public Officer' will be termed the 'Secretary' under the Associations Incorporation Amendment Act 2010).

Members of the Committee of Management of and Incorporated Association must:

- ensure an Annual General Meeting (AGM) is held within five months of the end of the association's financial year and submit a financial statement to members at the meeting;
- ensure an annual statement is lodged with the Registrar (at Consumer Affairs Victoria) within a month after the annual general meeting;
- notify the Registrar of:
  - a change to the incorporated association's registered address within 14 days of the change;
  - the appointment of a Public Officer or any changes to their details;
  - if the position of Public Officer becomes vacant, the appointment of a new Public Officer within 14 days;
  - a special resolution relating to winding up the association or distribution of assets.
- apply to the Registrar to:
  - alter the association's statement of purposes or rules (ie The Constitution;)
  - change the association's name.
- return all documents that belong to the Incorporated Association within 28 days of ceasing to be a committee member.

The **Committee of Management of Bundoora Pre-school Incorporated Association** consists of an:

#### **Executive Committee:**

President, Vice President, Treasurer, Assistant Treasurer, Secretary, Assistant Secretary

The President, Vice President, Treasurer and Assistant Treasurer are all registered signatories for the pre-school bank accounts. All transactions require two signatures. These four members of the Executive Committee require Police Records Checks.

#### **General Committee:**

Eight group representatives (two per group), a representative of the Fundraising Committee, a Maintenance Coordinator, an additional member (Banyule Pre-school Association – BPSA – representative).

#### **Fundraising Committee:**

The Fundraising Committee is a sub-committee of the Bundoora Pre-school Committee of Management. At the first committee meeting, a Chair person of the Fundraising Committee should be appointed. All Fundraising Committee members should attend and be involved in committee decision making, however; only one member of the Fundraising Committee is able to vote on motions presented at committee meetings.

All committee members are expected to attend monthly committee meetings, if practicable. All members have specific role descriptions and tasks that they will carry out throughout the year, along with sharing the responsibility for committee decisions.

The **Secretary** of the Bundoora Pre-school Committee of Management is also the **Public Officer** of the Association.

The **Secretary** should ensure that the minutes of each meeting are distributed to all committee members within one week of the meeting. This is aimed at protecting the Association should any legal challenge be undertaken, regarding any committee decision, by a member of the Association.

## **Committee of Management Membership and Personal Gain**

Members have a duty to act in the best interests of the Incorporated Association and not to take advantage of their position. They must not make use of their position (or information acquired because of their position) to:

- gain any financial benefit for themselves or any other person;
- cause a detriment to the association.

If a committee member has a direct or indirect financial interest in a contract with the incorporated association:

- they must disclose the nature and extent of the interest to the committee and must not take part in any committee decisions about the contract;
- the interest must be recorded in the financial statements submitted to the association's members at the next annual general meeting.

## **Display of an Association's Name**

An Incorporated Association's name, including the word 'Incorporated' or the abbreviation 'Inc.', must appear on all its notices, advertisements, publications and business documents.

The source of this information is the *Bundoora Pre-school Association Incorporated's Constitution* and the website of Consumer Affairs Victoria. Visit [www.consumer.vic.gov.au/](http://www.consumer.vic.gov.au/) incorporated associations for more information.