

# Members' rights

Legal information for Queensland incorporated associations

## This fact sheet covers:

- what are the sources of members' rights?
- what are a member's rights?
- what happens if a member is denied their rights? and
- how can members' rights be suspended?

Members of Queensland incorporated associations have certain rights. This fact sheet provides an overview of the main rights that members generally have.

## What is the source of members' rights?

### NOTE

In this fact sheet, we refer to the 'rules' of an incorporated association. Your incorporated association's rules may be called the 'constitution' or 'articles'. In this fact sheet, the term 'rules' is interchangeable with 'constitution' or 'articles'.



Some minimum rights are set out in the *Associations Incorporation Act 1981* (Qld) (**the Act**).

All incorporated associations must have a set of rules. An incorporated association's rules may go beyond the legislation by:

- providing additional members' rights, and
- setting out procedures to be followed when a member exercises a right provided by the Act.

You and your incorporated association should comply with both the Act and the organisation's rules. Where the rules go further than, or provide more detail than the legislation, you will need to comply with the rights and procedures set out in the rules.

### TIP

If you don't have a copy of the rules of your association, you can ask the secretary of your association for a copy of the rules. You may be required to pay a fee if you have requested a copy of the rules. The Secretary must give you a complete copy of the association's rules as soon as practicable after you pay any reasonable costs required.



# Members' rights

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Members' rights generally include the right to:

- inspect certain records and documents of the association, and/or get copies of these documents, including general meeting minutes and the rules of the association
- inspect the register of members of the association
- vote on resolutions (for voting members)
- be given notice of and vote on any proposed special resolutions (for voting members)
- vote to change the association's rules by special resolution (which can only occur when at least 75% of members voting agree to the change and any extra requirements in the association's rules have been met)
- take legal action in the Supreme Court where a decision of the association has denied a member a right provided by the rules of the association
- be provided with natural justice when the association is adjudicating on members' rights as conferred by the rules of the association
- if part of a branch, incorporate that branch under the Act if:
  - incorporation is approved by a special resolution of branch members, and
  - written consent is received from the parent association,
- decide, by special resolution to amalgamate with one or more other incorporated associations to form a single incorporated association
- decide, by special resolution (which can only occur when at least 75% of members voting agree to the change and any extra requirements in the association's rules have been met), to wind up the incorporated association at a general meeting called for that purpose
- have their personal details (as disclosed on the register) protected from people who wish to:
  - use them to advertise for political, religious, charitable or commercial purposes, or
  - knowingly pass the details along to someone who is likely to use them to advertise for political, religious, charitable or commercial purposes.

Many associations also provide the following rights to their members, but you will need to check your rules:

- the right to be given notice of the date, time and place of meetings
- the right to submit items of business for consideration at general meetings and to be heard at general meetings
- the right to be given notice before disciplinary action is taken by the association
- the right to appeal against suspension or expulsion from the association
- the right to appoint proxies to vote and speak on the member's behalf

- the right to vote to remove office holders by special resolution (which can only occur when at least 75% of members voting agree to the change and any extra requirements in the association's rules have been met)
- the right to vote to elect office holders, and
- the right to call a general meeting of members (if a minimum number of other members agree).

## Suspension or denial of rights

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### What happens if a member is denied their rights?

If you are a member of an incorporated association and consider that your rights have not been met, you may be able to:

- if the rules contain a grievance procedure, make a complaint in accordance with that grievance procedure and if the rules do not have a formal grievance procedure, put concerns in writing to the board or committee, and
- if the grievance procedure or other approach taken with the organisation directly does not resolve the issue, members can take the incorporated association to court. However, court action should be viewed as a last resort as it can be high risk, expensive, and time-consuming.

#### RELATED RESOURCES

For more information on grievance procedures, go to the Information Hub page on Internal Disputes at [www.nfplaw.org.au/internalconflicts](http://www.nfplaw.org.au/internalconflicts)



### When can members' rights be suspended?

The rules of your association may provide circumstances for when the rights of members are suspended or terminated, such as when a member has failed to pay the annual subscription fee.

This action is considered disciplinary action and associations need to follow legal procedures and accord natural justice when disciplining members.

# Resources

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## Related Not-for-profit Law resources

The Not-for-profit Law Information Hub ([www.nfplaw.org.au](http://www.nfplaw.org.au)) has information on the following related topics:

✔ The people involved - [www.nfplaw.org.au/people](http://www.nfplaw.org.au/people)

This page outlines the different people involved in not-for-profit organisations.

✔ Disputes - [www.nfplaw.org.au/disputes](http://www.nfplaw.org.au/disputes)

This page outlines the methods for managing disputes within an organisation.

## Legislation

✔ [Associations Incorporation Act 1981 \(Old\)](#)

✔ [Associations Incorporation Regulation 1999 \(Old\)](#)

A Not-for-profit Law Information Hub resource. Access more resources at [www.nfplaw.org.au](http://www.nfplaw.org.au)

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