

Submission on the Associations Incorporation and Other Legislation Amendment Bill 2019

It is of great concern that the Associations Incorporation Act is so weak in its handling of violations. There are executives and office holders of Incorporated Associations who are well informed of the weaknesses. Some use it to their advantage, knowing full well that even at the worst, no action will be enforced. One example here of is best explained by the reply by an Incorporated Association State President to a branch member:

Dear XXXX - Go for it and report away.

BTW - if you were aware of the duties of the OFT,

you would already know they will advise you to take personal Legal Supreme Court Action against us. if you feel the association has a case to answer, alternatively you can pay for mediation.

(Message dated 28/11/2019)

This is an association that broke its own constitution on a number of issues, which included;

- Changing parts of its constitution at their AGM without any formal notice as so provided
- Allowing unqualified persons as members for the sake of convenience to achieve a Quorum
- Presenting a flimsy unaudited financial report with questionable items, costs and expenses
- Not adhering to their own constitution AGM processes and procedures
- Claiming there was a quorum (there was not) and no record to show a quorum was present.
- Neglecting to appoint an auditor for the last three years
- and more

As a consultant to the Not-For-Profit Industry, we should be able to report to an authoritative body that will act on serious complaints. This body should have enough powers and impact to address issues of deliberate contempt. It should also be able to bar a person from holding office for a period of time as is in ASIC processes. There should be a simplified process of initiation or training in an Association's Constitution or the Act.

In this instance, the people in governance positions are well educated, well informed and experienced individuals. But they obviously deliberately set out to abuse their powers of authority and control.

The Associations Incorporations Act should support a rigorous accountability system. The Act should have a provision of impacting disciplinary procedures, against those who irresponsibly violate their Constitution.

As a result of the above quoted communication, my client is distressed and worried about that Association's future. Primarily caused by a state president who seemingly makes up his own rules and thereby destroying the members trust and possibly that Association.

I would most insistently ask your committee to look into the blatant disregard of those elected persons towards the Act and any Constitution.

I am able to offer you more details of the matter, but at this point of time, it is the system, the honesty and governance accountability that needs attention.



Victor Jackson FAIM

3rd December, 2019