



Honourable Deb Frecklington MP  
Attorney-General and Minister for Justice  
Minister for Integrity

Our ref: 572305/10;7229212  
Your ref: 4130-24

1 William Street Brisbane Q 4000  
GPO Box 149 Brisbane Q 4001  
Telephone +61 7 3719 7170  
Email [attorney.general@ministerial.qld.gov.au](mailto:attorney.general@ministerial.qld.gov.au)

20 DEC 2024

Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Laurie

I refer to e-Petition 4130-24 entitled *Amendments to Associations Incorporated Act 1981* to ensure Fair Elections, which was tabled in the Legislative Assembly on 28 November 2024.

The Queensland Government acknowledges that bullying and abuse may occur in some incorporated associations, as in other segments of the community, and that such behaviour can be harmful in any context. However, it is important that the legislation governing incorporated associations balances such concerns against the value of a framework that supports the independence of associations and recognises the rights of members to determine the direction of an association.

Policies and practices introduced via amendments to the primary legislation that oversees that framework – that is, the *Associations Incorporation Act 1981* (AI Act) - must essentially be suitable for all incorporated associations, regardless of their purpose, location, complexity, means and size. In this regard, some of the proposals outlined in the petition would not be suitable to very small associations who may not have the membership numbers to produce a management committee without reliance on longstanding existing committee members.

I consider that there is value in incorporated associations seeking to bring new members and diverse ideas and perspectives onto management committees. However, there are many ways of achieving this outcome and decisions about the best approach for an incorporated association are best left to its members rather than being mandated for them through amendments to the AI Act.

For example, blanket restrictions on the term of management committee members may be detrimental to the survival of some very small associations where all of the association's members are members of the management committee. However, if maximum terms and re-election disqualifications are considered by a particular association to be an appropriate way of ensuring the renewal of a management

committee, the association may, under the existing AI Act, amend its rules to provide for those matters by a special resolution (it must then register the amended rules with the Office of Fair Trading pursuant to section 48 of the AI Act).

In relation to the proposal that nominations for the management committee be kept in a locked box, there is a concern that this proposal would not be suitable to more technologically advanced associations, particularly if they had members across a wide area - but again this is a matter that could be addressed under existing legislation in an association's self-defined rules if the proposal were of benefit considering the association's particular circumstances.

It would also be impractical and burdensome for many associations to ensure a member is in attendance every time the member is discussed at a management committee meeting, particularly if the discussion is benign. In circumstances where the member's rights as a member of the association are impacted, the AI Act already provides (at section 71) that the association must follow the rules of natural justice, also known as procedural fairness, when adjudicating on the rights conferred by the association's rules. Procedural fairness includes the principle that a person must be given an opportunity to be heard before a decision that would adversely affect them is made. An individual association could require a member's attendance at a meeting through amendments to its rules if the arrangement suited the particular association, though there are other ways to ensure procedural fairness is provided. Petitioners may also note the AI Act requires associations to have a grievance procedure meeting certain requirements for procedural fairness, including that each party to a dispute under the rules has the opportunity to be heard on the matter (section 47A).

Regarding the proposed Attorney-General power to dissolve a management committee, the model rules for incorporated associations, as prescribed in the *Associations Incorporation Regulation 1999*, provide for a management committee member to be removed by a vote of a majority of members at a general meeting (rule 20). Additionally, the AI Act also provides that officers of incorporated associations exercise their powers and discharge their duties in good faith in the best interests of the association, and for a proper purpose (section 70F). A management committee member who is convicted of an offence against the AI Act must vacate their position on the management committee and these arrangements appear to provide adequate recourse for the removal of board members.

I thank the petitioners for bringing their concerns to the attention of the House.

Yours sincerely



**DEB FRECKLINGTON MP**

Attorney-General and Minister for Justice  
Minister for Integrity