

## STEPS TO INCORPORATION

Where an unincorporated Rotary Club, Rotaract Club or Rotary District desires to incorporate, the following must be observed:

1. There must be a meeting of the members. In the case of an unincorporated Rotary District the 'members' are the Rotary Club's of that District, whether they are incorporated or unincorporated. They are entitled to vote at the meeting, but not the individual members of those Rotary Clubs.
2. At least 21 days' notice of the meeting must be given to all members. The notice does not need to, but may, be accompanied by a copy of the proposed Rules (and Bylaws). It should clearly specify that the purpose of the meeting is to decide whether or not to incorporate under the *Associations Incorporation Act* of the State or Territory in which it is situated.
3. Rules must be prepared for the proposed incorporated Club or District as well as Bylaws (if applicable) and a Statement of Purposes. The Rules must comply with the appropriate *Associations Incorporation Act* and with the requirements of Rotary International. Rotary International will need to inspect and approve the Rules before incorporation is sought. As well as Rules, Bylaws may be required although there is no requirement that Bylaws be lodged except in New South Wales and Tasmania.

The *Associations Incorporation Acts* require that there be a Statement of Purposes or Statement of Objectives (the phrases are synonymous) prepared and approved at the meeting.

4. McKean & Park's Australiawide Rules & Constitution and Bylaws comply with the *Associations Incorporation Acts* in all Australian States and Territories and include a Statement of Purposes (which does not need to be set out as a separate document). They have also been approved by Rotary International and are promptly updated to include the decisions of every Council on Legislation.

5. New South Wales requires:

- 5.1 that a Club/District reserves its proposed name before its incorporation; and
- 5.2 that Rotary International consents to the use of the word "Rotary" in that name.

McKean & Park requires the Club/District contemplating incorporation to reserve its proposed name and obtains RI's consent unless other arrangements are made with McKean & Park.

6. The meeting, when it is held, must pass the following resolutions:
  - 6.1 "That the Club seek incorporation pursuant to the *Associations Incorporation Act* of **(name of State/Territory)** and that **(full name)** who has attained the age of 18 years and is a resident of **(name of State/Territory)** is hereby authorised to effect that incorporation".
  - 6.2 "That the Rules, including the Statement of Purposes contained in the Rules tabled at this meeting are hereby approved as the Rules and Statement of Purposes of this Club/District **(delete one)**".
  - 6.3 **(If applicable)** "That the Bylaws tabled at this meeting are hereby adopted as the Bylaws of this Club/District **(delete one)**".
7. The person appointed to effect the incorporation must complete the applicable form which may require statutory declarations. A copy of the documents required to be lodged and the application form must be returned to McKean & Park who will then obtain incorporation on behalf of the members.

Ross Blair