

Checklist: what an incorporated society's constitution must contain

The new Incorporated Societies Act 2022 makes it mandatory to include certain provisions in a society's constitution. We have created this checklist to help your society ensure that its constitution includes all the necessary elements (note, your constitution can include other information, this checklist just outlines the minimum mandatory requirements under the Act):

section 26(1) of the Incorporated Societies Act 2022	
(a)	Name of the society <input type="checkbox"/>
(b)	Purposes of the society <input type="checkbox"/>
(c)	How a person becomes and <i>consents</i> to becoming a member <input type="checkbox"/>
(d)	How a person ceases to be a member <input type="checkbox"/>
(e)	How the society's register of members will be kept up to date <input type="checkbox"/>
(f)	The composition, roles, functions, powers, and procedures of the committee of the society, including: <input type="checkbox"/> <ul style="list-style-type: none"> (i) the number of members that must or may be on the committee; (ii) the election or appointment of officers; (iii) the terms of office of the officers; (iv) the functions and powers of the committee; (v) grounds for removal from office of officers; (vi) how the chairperson (if any) will be elected or appointed and whether that person will have a casting vote if there is an equality of votes; and (vii) the quorum and procedure for committee meetings, including voting procedures.
(g)	How the contact person/s will be elected or appointed <input type="checkbox"/>
(h)	How the society will control and manage its finances <input type="checkbox"/>
(i)	How the constitution may be amended <input type="checkbox"/>
(j)	Procedures for resolving disputes, including how a complaint may be made <input type="checkbox"/>
(k)	Arrangements and requirements for general meetings, including: <input type="checkbox"/> <ul style="list-style-type: none"> (i) the intervals between annual general meetings; (ii) the information that must be presented at general meetings; (iii) when minutes are required to be kept; (iv) the manner of calling general meetings; (v) if and how written resolutions may be passed in lieu of a general meeting; (vi) the time within which, and manner in which, notices of general meetings and notices of motion must be notified; (vii) the quorum and procedure for general meetings, including voting procedures (for example, whether votes may be cast by post or by electronic means), procedures for proxies (if any), and whether the quorum takes into account members present by proxy or casting postal votes or votes by electronic means; and (viii) the arrangements and requirements for special general meetings
(l)	The nomination of a not-for-profit entity, or a class or description of not-for-profit entities, to which any surplus assets of the society should be distributed on a liquidation of the society or on, or to enable, the removal of the society from the register <input type="checkbox"/>