

Useful References

info@dsr.wa.gov.au

www.dsr.wa.gov.au—
Clubs—Clubhouse—
Constitution and
Incorporation

[www.commerce.wa.gov.
au/ConsumerProtection/
Content/Business/index.
htm](http://www.commerce.wa.gov.au/ConsumerProtection/Content/Business/index.htm)

*No extraordinary power
should be lodged with
any one individual—
Thomas Paine*

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Incorporation

Incorporation of a club means that it becomes a legal entity in its own right. Put another way, the association is considered at law to have a distinct identity that continues regardless of changes to the membership.

Why incorporate?

Many social, sporting and community groups can incorporate under the Associations Incorporation Act. The Act provides a cheap, simple way of establishing a legal entity that has the capacity to function in its own right.

Incorporation can protect individual members in certain situations and give your club the right to sign contracts, lease premises, and operate bank accounts and so on.

The major features of becoming incorporated are:

- the club acquires the powers of a body corporate with perpetual succession and a common seal.
- the club can enter legal proceedings.
- the club may enter into contracts and acquire, hold and dispose of property.
- members or officers of the club are generally not liable to contribute towards the payment of debts or liabilities of the club.
- the name of the club concludes with the word "Incorporated" or the abbreviation "Inc." as part of its name; and
- if members or office bearers of the club incurred liabilities or obligations on behalf of the club prior to incorporation, those liabilities and obligations can be exercised against 'the incorporated club'.

What you will need?

- to check the availability of your intended name
- advertise your intention to incorporate
- develop a set of rules for the good management of your club (constitution)
- apply for incorporation on the prescribed form