

ANNUAL GENERAL MEETINGS (AGM)



WHAT IS AN AGM?

An annual general meeting (AGM) is a meeting of the members of an incorporated association that must be held each year. AGMs are convened to conduct business required under the Associations Incorporation Act 2009 (the Act). This includes presenting the annual financial statements and other regular annual business, including electing committee members as may be required by the association's constitution.

WHEN MUST AN AGM BE HELD?

An association's committee must ensure that an annual general meeting is held within 6 months after the close of the association's financial year, each year. An association's constitution must specify its financial year.

WHAT HAPPENS IF AN AGM ISN'T HELD?

If an association fails to hold an AGM or to submit financial statements to members at the AGM, then each member of the committee of the association will be guilty of an offence and liable to a penalty.



HOW IS AN AGM CALLED?

An association's constitution must specify the manner of calling an AGM and the way notice of the AGM is to be given. The notice for the meeting should specify that the meeting is the AGM.

If the Model constitution applies, members must be given at least 14 days' notice of an AGM, or 21 days' notice if a special resolution is to be proposed. The notice of meeting must specify:

- the place, date and time of the meeting
- the nature of the business to be transacted at the meeting, and
- if a special resolution is to be proposed, the notice must set out terms of the resolution and a statement to the effect the resolution is intended to be passed as a special resolution.

WHAT BUSINESS IS CONDUCTED AT AN AGM?

Your association can deal with ordinary business, plus any other business ('special business') listed in the notice to members. An association's constitution may specify the ordinary business to be conducted at the AGM and may also specify rules for the 'special business' to be conducted at the end of the AGM.

The business of an AGM is normally to:

- confirm the minutes of the last AGM and of any special general meeting held since that meeting
- receive from the committee, reports on the activities of the association during the last financial year
- elect or appoint office bearers and ordinary members of the committee (as determined by the association's constitution)
- receive the association's financial statements or reports (this must be done at the AGM), and
- conduct any other business of which notice has been given to the members.



HOW IS VOTING CONDUCTED AT A AGM?

When voting on resolutions, your organisation needs to follow its constitution, and any requirements in the Act. All associations (regardless of what their constitution say) must pass a special resolution (requiring at least 75% of members present and eligible to vote to vote in favour of a resolution) for certain types of resolutions such as changing an association's constitution.

Associations' constitution may set out procedures for proxy voting, direct voting, and voting methods. Voting methods may include:

- show of hands
- poll (a vote in writing)
- secret ballot.

WHAT NEEDS TO BE DONE AFTER THE AGM?

Requirements vary depending on state/territory of operation and the annual turn-over of the club. Majority of associations within 1 month after the AGM, or no later than 7 months after the end of the financial year, the association must lodge the following with Fair Trading:

- an Annual summary of financial affairs
- payment of the prescribed lodgement fee, and late fee if applicable.

Failure to properly lodge the annual summary means an association will be guilty of an offence and liable to penalty.

