

# **Associations Incorporation (Unsuitable Name) Amendment Regulation 2017**

Explanatory notes for SL 2017 No. 33

Made under the

*Associations Incorporation Act 1981*

## **General Outline**

*Associations Incorporation (Unsuitable Name) Amendment Regulation 2017*

### **Authorising law**

Section 43, 45 and 134 of the *Associations Incorporation Act 1981*

### **Policy objectives and the reasons for them**

In December 2015, the Crime and Corruption Commission (CCC) released a report into transparency and accountability in local government.

The report noted that the use of the official title of a public official position by separate legal entities which are not subject to the same oversight, transparency, or accountability as a council or an elected official may unintentionally mislead the community as to the precise nature of their relationship to a council. The CCC recommended that official titles should not be permitted unless the entity is performing official statutory functions of the relevant entity and is subject to the same requirements for transparency and oversight required of other public sector entities.

The CCC report recommended that associations incorporated or unincorporated not be permitted to use any official title, such as Mayor, in the name of the association unless it is a controlled entity and therefore subject to auditing by the Queensland Audit Office.

### **Achievement of policy objectives**

The *Associations Incorporation (Unsuitable Name) Amendment Regulation 2017* (Amendment Regulation) achieves the objectives by expanding the current provisions of section 3(1) to declare a name containing the words councillor, lady mayoress, lord mayor, mayor or mayoress as an unsuitable name for an incorporated association that is not a controlled entity.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the policy objectives of the *Associations Incorporation Act 1981*.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

There are no significant costs associated with the amendment.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

Consultation has been undertaken with the Department of Infrastructure, Local Government, and Planning (DILGP), the Department of the Premier and Cabinet (DPC), Queensland Treasury (QT), the Office of Best Practice Regulation (OBPR) and the Crime and Corruption Commission (CCC).

The DILGP, the DPC, QT and the CCC raised no issue with the proposed amendments.

The OBPR has advised that the proposed amendment is unlikely to result in significant adverse impacts and therefore no further analysis and assessment is required under the Treasurer's Regulatory Impact Statement System Guidelines.