

RETURNED & SERVICES LEAGUE OF AUSTRALIA

QUEENSLAND BRANCH



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1 Glossary

| GC&A | A: RSL Qld Governance, Constitution & Awards Committee |
|-------|---|
| OFT: | Office of Fair Trading |
| OLGF | R: Office of Liquor and Gaming Regulation |
| 2 | Note |
| Steps | with a check box () are to be completed by the Sub-Branch |
| 3 | Actions |
| Ste | p 1 |
| | Prior to deciding to incorporate read the link below, this will take you to a document "Set up an incorporated association" on the Office of Fair Trading (OFT) website. Also ensure that you have fully considered the tax implications and that you have received advice from your tax advisers prior to proceeding. |
| | Set up an incorporated association: https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/associations-charities-and-non-for-profits/incorporated-association |
| | A precis of the guide is at Appendix A. |
| | This process applies to either a Sub Branch or District. In the case of a District Step 3 is redundant. |
| | When a decision is made to become an incorporated association, the matter is placed on the agenda for the next general meeting. |
| | For the decision, of whether to or not to become an incorporated association, the delegates/members of the Sub Branch or District must vote on a motion to incorporate, that is moved and seconded by financial members of the Sub Branch or District and approved by ¾ of those present and eligible to vote. Motion: "That unincorporated Sub Branch become an incorporated association." |
| | If a Sub Branch supports the motion to become an incorporated association three other special resolutions need to moved, seconded and carried, subject to RSL Qld approval. These motions are at Appendix B. |
| | |

Note: You must have more than 7 members in order to be an incorporated association.



Step 2 Prepare a draft constitution using the template provided. Make changes as needed, note however aside from your name in rule 2.1 the only changes normally available to you are at rule 24 "Membership of the board", not the number only the titles and 25 "Transition to rotational system of elections" setting the correct years. If any further changes are needed, a letter detailing the changes and reasons explaining why is to be included with the request in step 3. At the same Sub Branch or District meeting, an agenda item to adopt a new constitution OR the Model Rules (the draft of which has been created prior to the meeting and circulated to the members with the agenda) as stipulated by RSL QLD, is also voted on as per Step 1. Use the template as provided. Supply a copy of the rules with changes marked. The Sub Branch and District constitution templates can be found on the RSL Qld website under the tab "about us" Constitution and by-laws. Click on RSL Sub Branch or District Model Constitution to open and download the document. Step 3 After this general meeting the sub branch drafts a letter to the chairperson of Constitution and Awards Committee (C&A) requesting approval to incorporate. An example of this letter is at Appendix C. This Letter together with a copy of the general meeting minutes, draft constitution (step 2) is sent to the district to be considered at the next district council or district board meeting. Step 4 After being approved by the District Council the letter, supporting documents and copies of the district minutes are forwarded to the C & A for consideration at their next meeting. If the request to incorporate and the draft constitution are approved by the C & A, the request is sent for inclusion on the agenda of the next RSL Qld Board meeting. If not approved, it will be returned with a covering letter detailing reasons as why not and what remedial action is required. Step 5 On approval by RSL Qld, of incorporation and constitution, the RSL Qld secretary will then advise the Sub Branch via the District, or the District of the decision. This letter will form part of the supporting documentation required in Step 6.



| Ste | p 6 | |
|-----|--|--|
| | completes ar with the requ | ter of approval is received from RSL Qld, the Sub Branch or District then ad submits to the OFT the "Associations Incorporation Form 1" together ired fee, approved Constitution and copy of the approval letter. This can be lodged by mail or online. (See Appendix D and E) |
| | То: | Registration Services Office of Fair Trading GPO Box 3111 Brisbane QLD 4001 |
| | An information | on copy also needs to be sent to the C & A. |
| | For Info To: | C&A Committee GPO Box 629 Spring Hill QLD 4004 |
| Ste | p 7 | |
| | On the accep | stance of your application, you will receive a certificate of incorporation from |
| Ste | p 8 | |
| | On receipt of your certificate of Incorporation, please send a letter to the RSL Q secretary via District and GC & A committee requesting a new charter. Please include copy of your Certificate of Incorporation. A suggested draft for this letter is at Append F. | |
| Ste | p 9 | |
| | please conf | Branch owns land, or you are unsure whether your Sub Branch owns land, tact the Compliance Team on 3634 9444 or compliance @rslqld.org for ith changing land registration. |
| | NOTE: This | only applies to Sub Branches that hold a Liquor/Gaming licence: |
| | Complete co | over letter for OLGR (See Appendix G) and include this letter when sending to OLGR. |



Appendix A

Set up an incorporated association

https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/associations-charities-and-non-for-profits/incorporated-associations/set-up-an-incorporated-association:

Set up an incorporated association

Legal status

An incorporated association is a legally separate body. It has the same powers, benefits and responsibilities as a person.

These include:

- owning land
- signing a lease
- appearing in court.

An incorporated association is legally separate from its members. This means that:

- the committee makes decisions
- the association becomes legally liable for these decisions
- individuals on the committee are not personally liable (as long as they acted in good faith).

Duties outline

Your incorporated association must:

- comply with the <u>Associations Incorporation Act 1981</u> and the <u>Associations Incorporation</u> Regulation 1999
- review its financial affairs every year
- lodge copies of your rules, annual returns and financial statements with us.

The public can access copies of the documents that you lodge with us.

Who can qualify?

To incorporate an association in Queensland, you must:

- have at least 7 members
- be a not-for-profit association
- have a physical address in Queensland.



Appendix B

Special Resolutions to adopt constitution

Special Resolution 1

That all current rules of the association be repealed, effective from the coming into effect of the new rules of the association adopted at Special Resolution 2.

Special Resolution 2

That the proposed new rules of the association (as attached to the notice of this meeting) be adopted, subject to RSLQLD Approval, effective as soon as all relevant legislative requirements for registration and approval of the new rules have been met.

Special Resolution 3

That a member be appointed (the appointed person) to prepare and make an application for the association to be incorporated, and to do all things necessary and expedient to give effect to special resolutions 1 and 2 above including, if necessary, effecting minor or administrative changes to the rules approved under special resolution 2 which do not affect the substance or intent of the rules.



Appendix C Letter to RSL Qld

[insert date]

Chairperson C&A Committee Returned & Services League of Australia (Queensland Branch) PO Box 629 Spring Hill Qld 4004

Dear Sir/Madam

Re: Proposed incorporation of and new constitution for [insert name of Sub Branch]
ABN [insert ABN]

[insert current name of Sub Branch] seeks the permission of Returned & Services League of Australia (Queensland Branch) to:

- Incorporate as a branch of Returned & Services League of Australia (Queensland Branch);
- Adopt the attached rules for the incorporated association; and
- Use the name "Returned & Services League of Australia (Queensland Branch) [Sub Branch Inc".

(Include wording as shown at Step 3)

Please contact [insert name] on [insert telephone number] or at [insert email address] should you wish to discuss this matter.

Yours sincerely

[insert name of Secretary]
Secretary
[insert name of Sub-Branch]



Appendix D

Template cover letter to OFT

[insert date]

Attention: Registration Unit Office of Fair Trading GPO Box 3111 Brisbane Qld 4001

Dear Sir/Madam

Re: Incorporation of and new constitution for [insert name of District / Sub Branch]

In accordance with the Associations Incorporation Act, I attach a completed Form 1 applying for incorporation, and a copy of the new constitution for [insert name of District / Sub Branch] along with a letter of approval signed by RSL Qld secretary.

I would be grateful for your advice as soon as possible regarding incorporation and approval of the new constitution.

Please contact [insert name] on [insert telephone number] or at [insert email address] should you wish to discuss this matter.

Yours sincerely

[insert name]
Secretary

[insert name of District / Sub-Branch]



Appendix E - Example Form 1

Associations Incorporation Form 1



Application for incorporation of an association

Associations incorporation Act 1981 This form is effective from 1 July 2013

ABN: 13 846 673 994

| OFFICE USE ONLY Date received | Instructions Please use BLOCK letters when completing this form. Attach extra sheets if necessary. All dates should be DD/MM/YYYY. |
|---|---|
| LU number: | Privacy statement—please read The Office of Fair Trading is collecting information, including personal information, on this form for the purposes of the Associations Incorporation Act 1981 and Associations Incorporation Regulation 1999. In accordance with this legislation, a register of this information and any documents required by the department is available for inspection by the public upon payment of a prescribed fee. Where authorised or required by law, information on this form can be disclosed without your consent. Fees The applicable fee for this form is available on the Fair Trading website at www.fairtrading.qld.gov.au. No GST is payable on the fee. |
| Part 1—Personal particula | ars—appointed person |
| Person appointed to make this application Any correspondence regarding this application will be sent to this person. | Preferred title Mr Mrs Ms Miss Other (specify) Last name Jones Given name Postal address PO Box 1000 Suburb BRISBANE State Q L D Postcode 4 0 0 2 Phone (day time) 07 1234 5678 Mobile 0414 123 456 Email jiones@email.com.au |
| Part 2—Current or uninco | rporated association details |
| Current association E.g. 'XYZ' hockey association. An association is not eligible if it has less than seven members. | a) Current name of association RSL XYZ SUB BRANCH b) Number of members currently in association 50 |
| If the association is a branch, the written agreement of the parent association to allow incorporation must be included with this application. If the applicant is only affiliated with a body, written consent is not required. | c) Approximately when did the association commence? 1985 d) Does the association provide a financial gain to its members? |
| Note: the secretary of an incorporated association must, within 30 days after incorporation, request the Registrar of Titles in writing to record in the appropriate register details of land or any interest in land gained by the association because of its incorporation under the Act. | g) Does the association own or lease land or hold an interest in land, or is a trustee of trust land under the Land Act 1994? OYes ONo If yes, please provide details DETAILS |



| Decalution passed | The members of the above named unincorners | ted acceptation at a mone | ral manting duly compand |
|--|--|--|------------------------------------|
| Resolution passed If the association is a branch, the resolution can only be | The members of the above named unincorporated association at a general meeting duly convened and held at 1 BRISBANE STREET, BRISBANE QLD 4000 | | |
| passed after the parent body has given permission for | | on o | 1/06/2012 |
| nas given permission for incorporation. | passed a resolution with three quarters majori proposed rules for the incorporated associatio person named in Part 1 to make this applicatio | n. A second resolution wa | |
| Part 3—Proposed Incorp | orated association particulars | | |
| Proposed name | 1st preference RETURNED & SERVICES | LEAGUE OF AUSTR | ALIA (QUEENSLAND |
| The association's name must include either 'Inc.' or | BRANCH) XYZ SUB BRANCH | | Incorporated* / Inc* |
| 'Incorporated'. (* Please tick whichever is applicable) If the association is a branch. it | 2nd preference | | Garage Again |
| must include the word 'branch' in its name. e.g. 'XYZ hockey | | | Incorporated* / Inc* |
| association—Gatton branch Inc.' Registration will be made | 3rd preference | | |
| in the first available name. | | | Incorporated* / Inc* |
| Postal address | Postal address PO BOX 1000 | | ļ. |
| | Suburb BRISBANE | State Q L D | Postcode 4 0 0 2 |
| Nominate address | Address 1 BRISBANE STREET | | |
| for service A post office box address is not acceptable. | Suburb BRISBANE | State Q L D | Postcode 4 0 0 0 |
| Bank details | Name of existing or proposed bank/building s COMMONWEALTH BANK OF AUS | NAMES OF THE PROPERTY OF THE PARTY OF THE PA | |
| | Branch BRISBANE | | |
| Office holders of the | President: Name SAMUEL SMITH | | |
| association following | 26 SAMPSON STREET | | |
| Incorporation | Home address 26 SAMPSON STREET | | |
| A post office box address | | State Q L D | Postcode 4 0 0 0 |
| A post office box address is not acceptable. If a secretary has not yet been | Suburb BRISBANE Phone 07 2223 4545 | State Q L D Mobile 0414 232 | Postcode 4 0 0 0 |
| A post office box address is not acceptable. | Suburb BRISBANE Phone 07 2223 4545 | | Postcode 4 0 0 0 |
| A post office box address is not acceptable. If a secretary has not yet been elected, the association must appoint a secretary within one month of incorporation and | Suburb BRISBANE Phone 07 2223 4545 Treasurer: Name WALTER WILLIAMS | Mobile 0414 232 | Postcode 4 0 0 0 |
| A post office box address is not acceptable. If a secretary has not yet been elected, the association must appoint a secretary within one | Suburb BRISBANE Phone 07 2223 4545 Treasurer: Name WALTER WILLIAMS Home address 963 WATERFALL CRES | Mobile 0414 232 | 345 |
| A post office box address is not acceptable. If a secretary has not yet been elected, the association must appoint a secretary within one month of incorporation and notify the department (use | Suburb BRISBANE Phone 07 2223 4545 Treasurer: Name WALTER WILLIAMS Home address 963 WATERFALL CRES Suburb BRISBANE | Mobile 0414 232 | 90 Postcode 4 0 0 0 |
| A post office box address is not acceptable. If a secretary has not yet been elected, the association must appoint a secretary within one month of incorporation and notify the department (use | Suburb BRISBANE Phone 07 2223 4545 Treasurer: Name WALTER WILLIAMS Home address 963 WATERFALL CRES Suburb BRISBANE Phone 07 9898 6464 | Mobile 0414 232 | 90 Postcode 4 0 0 0 |
| A post office box address is not acceptable. If a secretary has not yet been elected, the association must appoint a secretary within one month of incorporation and notify the department (use | Suburb BRISBANE Phone 07 2223 4545 Treasurer: Name WALTER WILLIAMS Home address 963 WATERFALL CRES Suburb BRISBANE Phone 07 9898 6464 Secretary: Name JOHN JONES | Mobile 0414 232 | 90 Postcode 4 0 0 0 |
| A post office box address is not acceptable. If a secretary has not yet been elected, the association must appoint a secretary within one month of incorporation and notify the department (use | Suburb BRISBANE Phone 07 2223 4545 Treasurer: Name WALTER WILLIAMS Home address 963 WATERFALL CRES Suburb BRISBANE Phone 07 9898 6464 Secretary: Name JOHN JONES Home address 9 JOLLY STREET | Mobile 0414 232 CCENT State Q L D Mobile 0414 968 | Postcode 4 0 0 0 498 |
| A post office box address is not acceptable. If a secretary has not yet been elected, the association must appoint a secretary within one month of incorporation and notify the department (use | Suburb BRISBANE Phone 07 2223 4545 Treasurer: Name WALTER WILLIAMS Home address 963 WATERFALL CRES Suburb BRISBANE Phone 07 9898 6464 Secretary: Name JOHN JONES Home address 9 JOLLY STREET Suburb BRISBANE | Mobile 0414 232 CCENT State Q L D Mobile 0414 968 | Postcode 4 0 0 0 Postcode 4 0 0 0 |
| A post office box address is not acceptable. If a secretary has not yet been elected, the association must appoint a secretary within one month of incorporation and notify the department (use | Suburb BRISBANE Phone 07 2223 4545 Treasurer: Name WALTER WILLIAMS Home address 963 WATERFALL CRES Suburb BRISBANE Phone 07 9898 6464 Secretary: Name JOHN JONES Home address 9 JOLLY STREET | Mobile 0414 232 CCENT State Q L D Mobile 0414 968 | Postcode 4 0 0 0 Postcode 4 0 0 0 |



| Part 3—Proposed incorporated association particulars continued | |
|--|---|
| Association rules Associations can choose to adopt either the model rules or their own rules. Own rules must include matters to be provided for in the rules as stated in Schedule 3 of the Associations Incorporation Regulation 1999. N.B. Any alterations/deletions to model rules other than allowed for in Appendix B means the association is adopting its 'own' rules and must follow Part (a). | The association will be: a) adopting its own rules. If adopting own rules, the association must: complete Appendix A of this form identifying matters to be provided for in own rules. complete prescribed statutory declaration signed by appointed person declaring rules comply with the Associations Incorporation Act 1981. attach a complete copy of rules to application. OR b) adopting the model rules. If adopting model rules, the association must: complete Appendix B (only completed Appendix B form to be lodged). |
| Books of account address | Address 1 BRISBANE STREET |
| Must be kept in Queensland. A post office box address | Address |
| is not acceptable. | Suburb BRISBANE State Q L D Postcode 4 0 0 0 |
| Part 4—Declaration | |
| Declaration Sign here | I confirm that the unincorporated association applying for incorporation is eligible to do so as it: ✓ has seven members or more ✓ is not already incorporated under the <i>Industrial Relations Act 1999</i> ✓ does not provide financial gain to its members ✓ is not a parents and citizens association under the <i>Education (General Provisions) Act 1989</i> . |
| Significant and the second and the s | Dated: 0 2 / 0 6 / 2 0 1 4 P Y Y Y |
| | Left blank intentionally, please turn over for more details |

Associations Incorporation Act 1981 • Section 9 • Form 1 • V14 • July 2013



| Part 5—Lodgement | |
|----------------------------|--|
| Lodgement details | Please lodge the completed application, any supporting documentation and fees to the Office of Fair Trading at the address below, or at one of our regional offices. |
| | By mail: |
| | Registration Services Office of Fair Trading GPO Box 3111 Brisbane QLD 4001 |
| | Visit www.fairtrading.qld.gov.au or call 13 QGOV (13 74 68) for information and your nearest Fair Trading Office. |
| Notice to appointed person | Checklist: |
| | Have you completed Parts 1–6 of the application? |
| | Have you signed the declaration in Part 4? |
| | If you are applying to use own rules have you: |
| | Completed Appendix A? |
| | Signed the statutory declaration? |
| | Had the declaration witnessed by a Justice of the Peace / Commissioner for Declarations? |
| | Attached the full copy of rules? |
| | If you are adopting model rules have you: |
| | Completed and signed Appendix B? |
| | Have you included the appropriate fee? |
| | |
| | |
| | |
| | |
| | |
| | |
| Part 6—Payment details | |
| Payment details | Cash Credit card Money order Cheque |
| | Make money order or cheque payable to the Office of Fair Trading. A receipt will not be issued unless specifically requested. |
| Condit and amount | A receipt with not be issued unless specifically requested. |
| Credit card payment | |
| Charge my: | Mastercard VISA AMEX |
| Credit card number: | Note: AMEX is not accepted for payments at the Brisbane CBD, Cairns or Sunshine Coast public counters. |
| Cardholder's name: | |
| Amount authorised: | \$ Expiry date: M M M Y Y Y Y |
| Cardholder's signature: | |

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Appendix A



Application for incorporation of an association

Associations Incorporation Act 1981 This form is effective from 1 July 2013

ABN: 13 846 673 994

| | only if the association is adopting its own rules. es (Part 1—matters with examples)— | |
|--|--|-------------------|
| - | illy provided for in the association's rules. | |
| Possible wording for any or all of | these rules may be found in the model rules. | |
| | | Insert rule numbe |
| The name of the incorporated | association (example—see model rule 2). | 2 |
| 2. The objects of the incorporat | ed association (example—see model rule 3). | 3 |
| Any membership or other fee association (example—see m | s to be paid by the members of each class of membership of the incorpora odel rule 8). | ated 10 |
| | t of rejection or termination of membership and if so, the way the rejectio ple—see model rules 9 and 10). | n or 11 & 15 |
| | t of appeal against rejection or termination of membership and if so, how sed (example — see model rules 11 and 12). | the 16 |
| | roceedings of management committee meetings and general meetings, a a general meeting by financial members (example—see model rules 26(1) | |
| The verification of the accura and 41(2)). | cy of the recorded minutes of meetings (example—see model rules 26(2) | 33 |
| The amendment or rescission model rule 43(1)). | of, or addition to, the rules of the incorporated association (example—se | ee 49 |
| The validation of an amendm (example—see model rule 43 | ent or rescission of, or addition to, the rules of the incorporated associati (2)). | ion 49 |
| 10. The form, custody and use of | the common seal of the incorporated association (example—see model rule | e 44). 50 |
| The way the income and prop rule 46(2)). | erty of the incorporated association may be used (example—see model | 51 & 52.6 |
| The custody of the books, do (example—see model rule 47) | cuments, instruments of title and securities of the incorporated associati). | ion 53 |
| 13. The end date of the incorpora | sted association's financial year (example—see model rule 48). | 54 |
| 14. Distribution of surplus assets | s on winding-up (example—see model rule 49). | 55 |
| Matters to be provided for in rule | es (Part 2—matters without examples)— | |
| | illy provided for in the association's rules. | 1 |
| The following matters about r | membership: | |
| a) the classes of membersh | ip of the incorporated association | 6 & 7 |
| b) the conditions of entry to | a class | 7.2 & Annex 1 |
| c) whether membership of a | a class is limited or unlimited in numbers | 7.5 |
| d) how a class is limited, if a rights and eligibility for h | at all, and additional limitations of rights for a class, for example, voting tolding office. | 6.2 & 6.3 |

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| 2. | The following matters about the management committee: | |
|----|--|---------|
| | a) the designation of the positions constituting the management committee and how a member of the management committee is elected or appointed to a position | 24 & 26 |
| | b) the term of office of a member | 24.5 |
| | c) the resignation of a member | 27 |
| | d) how a member is removed from office | 27 |
| | e) appeal rights of a member if the member is removed from office | 27.5 |
| | f) how a casual vacancy on the management committee is filled | 28 |
| | g) the frequency of meetings of the management committee, how the meetings are called and the notice requirements for a meeting | 30 |
| | h) the procedure for meetings and the size of a quorum | 30 & 31 |
| | the functions and powers of the management committee. | 29 |
| 3. | The following matters about general meetings of the incorporated association: | |
| | a) the grounds for calling a meeting | 44 |
| | b) how a meeting is called | 44 |
| | c) the procedure for general meetings. | 44 |
| 4. | How the register of members is kept. | 17 |
| 5. | The way the income and property of the incorporated association is to be managed and how the association's cheques must be drawn and signed. | 52 & 53 |

Statutory declaration

| QI | JEENSLAND OATHS ACT 1867—STATUTORY DECLARATION UPON INCORPORATION |
|----|--|
| ı. | do solemnly and sincerely declare that: |
| | (name) |
| 1. | I am the person appointed by resolution of the members of |
| | |
| | (name of unincorporated association) |
| | to prepare and make an application for the association to be incorporated under the Associations Incorporation Act 1981. |
| 2. | The 'own rules' adopted by the members of the above mentioned association by resolution passed with a three quarters |
| | majority on DD / MM M / YYYYY comply with the Associations Incorporation Act 1981 and I make this solemn |
| | declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867. |
| | Declared at . |
| | (place) |
| | in the State of Queensland on DDD/MMM/YYYY. |
| | (Alexandra of Arabinat Property |
| | (signature of Appointed Person) |
| | Before me |
| | (J.P., Commissioner for Declarations, etc) |
| | |
| | |
| | |
| | |
| | |

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Appendix F Letter to RSL Qld

[insert date]

Chairperson C&A Committee

Returned & Services League of Australia (Queensland Branch) PO Box 629 Spring Hill Qld 4004

Dear Sir/Madam

Re: New Charter required as a result of a name change due to new constitution or incorporation for [insert name of Sub Branch] ABN [insert ABN]

[insert current name of Sub Branch] seeks the Returned & Services League of Australia (Queensland Branch) issuance of a new charter for (insert Sub Branch Name) due to change of name as a result of incorporation or the reregistration of amended constitution.

Please contact [insert name] on [insert telephone number] or at [insert email address] should you wish to discuss this matter.

Yours sincerely

[insert name of Secretary]
Secretary
[insert name of Sub-Branch]



Appendix G

Template cover letter to OLGR

NOTE: Only use this template letter if your Sub Branch holds a liquor/gaming licence

[insert date]

Office of Liquor and Gaming Regulation Locked Bag 180 City East Qld 4002

Dear Sir/Madam

Re: New constitution for [insert name of Sub Branch] Liquor Licence No. [insert liquor licence number] [Gaming Licence No. insert gaming licence number]

In accordance with section [if community club licence: 79(1)(b) / if community other licence: 83(1)(b)] of the Liquor Act 1992, I attach a copy of the new constitution for [insert name of Sub Branch], which was adopted by special resolution of the association on [insert date of EGM].

Please contact [insert name] on [insert telephone number] or at [insert email address] should you wish to discuss this matter.

Yours sincerely

[insert name]
Secretary
[insert name of District / Sub Branch]