To: Hon. Danny Pearson

Victorian Minister for Consumer Affairs

danny.pearson@parliament.vic.gov.au

From: [Insert the name of your organisation here]

Dear Minister,

The Department of Consumer Affairs has recently sought feedback from interested parties on the ***Associations Incorporation Reform Regulations 2023*** *Exposure Draft*, and has asked for [replies](https://engage.vic.gov.au/making-the-associations-incorporation-reform-regulations-2023) by 14 September 2023. As this is tight timing, and as the revised regulations need to be in place by mid-November, we have made a submission to Consumer Affairs Victoria.

We also draw your attention directly to some concerning aspects of the new draft model rules.

In the [old model rules](https://www.consumer.vic.gov.au/clubs-and-fundraising/incorporated-associations/running-an-incorporated-association/rules), a member appealing against suspension or expulsion had the option of appealing to the whole membership:

Under section 23 (appeal rights), existing rules stated:

“A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.”

They also said:

“If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the committee as soon as practicable, but in any event not later than 21 days, after the notice is received.”

And that:

“Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable …”

In the proposed [new rules](https://engage.vic.gov.au/download/document/32400), this appeal to the membership at large has been replaced by an appeal to a second disciplinary subcommittee:

“If a person has given notice under subrule (2), the committee must appoint a group of members of the disciplinary subcommittee (an appeal subcommittee) to consider the appeal.”

In practice, this change would give considerable extra influence to the board that chooses the appeal subcommittee members, and would make it impossible for a member to appeal to the wider membership.

While there may be good arguments for such a redistribution of power, it would seem difficult to canvass the consequences of the change in the very short time remaining before the changes are enacted.

Would it not be preferable to leave this change for a later time and restore the original clause until after further consideration?

Thank you for your attention.

[Signature]