

PARLIAMENT OF VICTORIA

**Associations Incorporation Reform Amendment
Bill 2026**

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PARLIAMENT OF VICTORIA

Introduced in the Assembly

Associations Incorporation Reform Amendment Bill 2026

A Bill for an Act to amend the **Associations Incorporation Reform Act 2012** and for other purposes.

The Parliament of Victoria enacts:

1 Purpose

The purpose of this Act is to amend the **Associations Incorporation Reform Act 2012** to—

- 5 (a) authorise the Registrar of Incorporated Associations to refuse an application for incorporation under that Act if the applicant—
- 10 (i) has an industrial relations purpose; or
- (ii) is a listed terrorist organisation or a prohibited hate group; and

(b) authorise the Registrar of Incorporated Associations to direct an incorporated association to wind up if the incorporated association—

5 (i) has an industrial relations purpose; or

(ii) is a listed terrorist organisation or a prohibited hate group; and

(c) make other minor and technical amendments to that Act.

10 **2 Commencement**

This Act comes into operation on the day after the day on which this Act receives the Royal Assent.

3 Principal Act

15 In this Act, the **Associations Incorporation Reform Act 2012** is called the Principal Act.

4 Definitions

(1) In section 3 of the Principal Act **insert** the following definitions—

20 "***exempt association*** means an association with an industrial relations purpose that is a prescribed association or of a prescribed class of association that may be incorporated under this Act;

25 ***exempt registrable body*** means a registrable body with an industrial relations purpose that is a prescribed registrable body or of a prescribed class of registrable body that may be incorporated under this Act;

30 ***industrial relations purpose***, in relation to an association or registrable body, means a purpose of furthering, protecting or representing the industrial interests of members of the association or registrable body;

listed terrorist organisation has the meaning given by subsection (2);

prohibited hate group has the meaning given by subsection (3);

5 *protected attribute* has the same meaning as in section 4(1) of the **Equal Opportunity Act 2010**;

10 *registered organisation* means an organisation registered under the Fair Work (Registered Organisations) Act 2009 of the Commonwealth;

transfer of incorporation has the same meaning as in section 109;

15 *transferring association* has the meaning given by subsection (4)."

(2) In section 3 of the Principal Act, in the definition of *tier two association*, for "section 90(3)." substitute "section 90(3);".

20 (3) At the end of section 3 of the Principal Act insert—

"(2) In this Act, an association or body is a *listed terrorist organisation* if—

25 (a) the association or body is specified by regulations made under section 5 of the Criminal Code Act 1995 of the Commonwealth for the purposes of the definition of *listed terrorist organisation* in section 100.1(1) of the Schedule to that Act; and

30 (b) the extended period under section 102.1A of the Schedule to the Criminal Code Act 1995 of the Commonwealth for the disallowance of the regulations has expired; and

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- (c) either—
 - (i) the period during which any legal challenge to the regulations may be commenced has expired; or
 - (ii) if a legal challenge to the regulations is commenced, the challenge has been finally determined.
 - (3) In this Act, an association or body is a ***prohibited hate group*** if—
 - (a) the association or body is specified by regulations made under section 5 of the Criminal Code Act 1995 of the Commonwealth for the purposes of the definition of ***prohibited hate group*** in section 114A.2 of the Schedule to that Act; and
 - (b) the extended period under section 114A.9 of the Schedule to the Criminal Code Act 1995 of the Commonwealth for the disallowance of the regulations has expired; and
 - (c) either—
 - (i) the period during which any legal challenge to the regulations may be commenced has expired; or
 - (ii) if a legal challenge to the regulations is commenced, the challenge has been finally determined.

(4) In this Act, an incorporated association is a ***transferring association*** if—

- 5
- (a) before 1 July 2026, the incorporated association applied for registration as a registered organisation; and
 - (b) the application for registration has not been determined."

5 New section 6A inserted

After section 6 of the Principal Act **insert**—

10 "6A Registrar may request information

- (1) The Registrar may request an applicant for the incorporation of an association to provide any information that the Registrar considers reasonably necessary to determine—
- 15
- (a) the purposes for which the association is carried on; and
 - (b) the conduct that the association engages in or proposes to engage in.
- (2) A person must comply with a request under subsection (1) within 14 days of receipt of the request."
- 20

6 Registration of proposed incorporated association

- (1) In section 7(1) of the Principal Act, for "subsections (2) and (3)" **substitute**
- 25 "subsections (2), (3) and (3B)".
- (2) In section 7(2) of the Principal Act—
- (a) in paragraph (c), for "section 47." **substitute** "section 47; or";
 - (b) after paragraph (c) **insert**—
- 30 "(d) the association is a prohibited hate group or a listed terrorist organisation; or

-
- (e) the association—
- (i) has an industrial relations purpose;
and
 - 5 (ii) is a type of association that the Registrar is satisfied may apply for registration as a registered organisation; and
 - (iii) is not an exempt association."
- (3) After section 7(3)(a) of the Principal Act **insert**—
- 10 "(ab) by reason that circumstances exist which, in the public interest, justify the refusal to register the association; or".
- (4) After section 7(3) of the Principal Act **insert**—
- 15 "(3A) In determining the public interest for the purposes of subsection (3)(ab), the Registrar must consider—
- (a) the purposes for which the association is carried on; and
 - 20 (b) the conduct that the association engages in or proposes to engage in; and
 - (c) the effect or likely effect of the purposes and conduct on the public; and
 - 25 (d) whether the effect or likely effect on any person or group of persons is because of a protected attribute of the person or group.
- 30 (3B) The Registrar may refuse to register an association if a person fails to comply with a request under section 6A within 14 days of receipt of the request."
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7 Meaning of registrable body

For section 10(2) of the Principal Act
substitute—

"(2) However, for the purposes of this Division, a
registrable body does not include—

- (a) a trade union registered under the
Trade Unions Act 1958; or
- (b) a registered organisation."

8 New section 12A inserted

After section 12 of the Principal Act **insert—**

"12A Registrar may request information

(1) The Registrar may request an applicant for
the incorporation of a registrable body to
provide any information that the Registrar
considers reasonably necessary to
determine—

- (a) the purposes for which the body is
carried on; and
- (b) the conduct that the body engages in or
proposes to engage in.

(2) A person must comply with a request under
subsection (1) within 14 days of receipt of
the request."

9 Registration of registrable body

(1) In section 13(1) of the Principal Act, for
"subsections (2) and (3)" **substitute**
"subsections (2), (3) and (3B)".

(2) In section 13(2) of the Principal Act—

- (a) in paragraph (c), for "section 47." **substitute**
"section 47; or";

(b) after paragraph (c) **insert—**

"(d) the body is a prohibited hate group or a listed terrorist organisation; or

(e) the body—

5 (i) has an industrial relations purpose;
 and

 (ii) is a type of body that the Registrar
 is satisfied may apply for
 registration as a registered
10 organisation; and

 (iii) is not an exempt registrable
 body.".

(3) After section 13(3)(a) of the Principal Act
insert—

15 "(ab) by reason that circumstances exist which, in
 the public interest, justify the refusal to
 register the registrable body; or".

(4) After section 13(3) of the Principal Act **insert—**

20 "(3A) In determining the public interest for the
 purposes of subsection (3)(ab), the Registrar
 must consider—

 (a) the purposes for which the registrable
 body is carried on; and

25 (b) the conduct that the registrable body
 engages in or proposes to engage in;
 and

 (c) the effect or likely effect of the
 purposes and conduct on the public;
 and

30 (d) whether the effect or likely effect on
 any person or group of persons is
 because of a protected attribute of the
 person or group.

(3B) The Registrar may refuse to register a registrable body if a person fails to comply with a request under section 12A within 14 days of receipt of the request."

5 (5) In section 13(5) of the Principal Act, after "refusal to register the body" **insert** "for a reason other than the reason specified in subsection (2)(e)".

(6) After section 13(5) of the Principal Act **insert**—
10 "(6) If the registrable body is notified by the Registrar under subsection (4) of the Registrar's refusal to register the body for the reason specified in subsection (2)(e), the body may within 28 days after the
15 notification apply to the Supreme Court for a review of the decision."

10 New section 88A inserted

After section 88 of the Principal Act **insert**—

"88A Registrar may request information

- 20 (1) The Registrar may at any time request an incorporated association to provide any information that the Registrar considers reasonably necessary to determine—
- 25 (a) the purposes for which the association is carried on; and
- (b) the conduct that the association engages in or proposes to engage in.
- 30 (2) An incorporated association must comply with a request under subsection (1) within 14 days of receipt of the request."

11 Winding up on certificate of Registrar

(1) After section 127(2) of the Principal Act **insert**—

"(2A) In determining the public interest for the purposes of subsection (2)(j), the Registrar must consider—

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(a) the purposes for which the association is carried on; and

(b) the conduct that the association engages in or proposes to engage in; and

10

(c) the effect or likely effect of the purposes and conduct on the public; and

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(d) whether the effect or likely effect on any person or group of persons is because of a protected attribute of the person or group.

(2B) An incorporated association must be wound up on the certificate of the Registrar if the Registrar certifies that—

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(a) the association is a prohibited hate group or a listed terrorist organisation; or

(b) the association—

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(i) has an industrial relations purpose; and

(ii) is a type of association that the Registrar is satisfied may apply for registration as a registered organisation; and

30

(iii) is not an exempt association; and

(iv) is not a transferring association."

(2) In section 127(3) of the Principal Act, after "subsection (2)" **insert** "or (2B)".

12 New section 128A inserted

After section 128 of the Principal Act **insert—**

"128A Incorporated associations with industrial relations purposes

- 5 (1) If the Registrar gives notice of an intention to issue a certificate under section 127 in respect of an incorporated association on the grounds set out in section 127(2B)(b), the association may show cause why the
- 10 certificate should not be issued by satisfying the Registrar that—
- (a) the association does not have an industrial relations purpose; or
- 15 (b) the association will apply within the show cause period to alter its rules such that the association will not have an industrial relations purpose; or
- (c) the association has applied, or will apply within the show cause period, for
- 20 registration as a registered organisation.
- (2) Within 14 days after an application referred to in subsection (1)(c) is determined, the incorporated association must notify the Registrar in writing of the outcome of the
- 25 application.
- Penalty: 10 penalty units.
- (3) On the registration of the incorporated association as a registered organisation, the association ceases to be incorporated under
- 30 this Act.
- (4) On being notified under subsection (2) that the incorporated association is a registered organisation, the Registrar must remove the association from the register.
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5 (5) On being notified under subsection (2) that the application has been refused, the Registrar must give notice under section 128 of an intention to issue a certificate under section 127 in respect of the incorporated association.

(6) In this section—
10 *show cause period*, for an incorporated association, means the period during which the association may show cause why a certificate should not be issued to the association under section 127."

13 Review of certificate

15 In section 129(1) of the Principal Act, for "section 127" **substitute** "section 127(1) or (2B)".

14 Regulations

- (1) After section 222(1)(d) of the Principal Act **insert**—
- 20 "(da) prescribing an association or class of association with an industrial relations purpose as an association or class of association that may be incorporated under this Act;
- 25 "(db) prescribing a registrable body or class of registrable body with an industrial relations purpose as a registrable body or class of registrable body that may be incorporated under this Act;".
- (2) After section 222(2)(b) of the Principal Act **insert**—
- 30 "(ba) provide in a specified case or class of cases for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations, whether

unconditionally or on specified conditions
and either wholly or to such an extent as is
specified;".

15 Repeal of this Act

5 This Act is **repealed** on the first anniversary of its
commencement.

Note

10 The repeal of this Act does not affect the continuing operation of
the amendments made by it (see section 15(1) of the
Interpretation of Legislation Act 1984).

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Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.