



## The Society's constitution: the need for change

It is good governance to review the Society's constitution from time to time and ensure it meets the needs of today, given significant changes in legislation and in our industry since it was issued in September 1992.

Legislation defines what Incorporated Associations such as the *Queensland Family History Society* are allowed or forbidden to do. Legislation relevant to the Society's operations is created and enforced by both the Queensland Government and the Commonwealth Government.

This current review found sufficient inconsistency with current relevant legislation to require a complete redrafting of the constitution, rather than amending the past document.

### Legislative changes

There have been a series of legislative changes creating revisions to the *Queensland Associations Incorporation Act 1981*. A series of amendments to the Act came into force on 22 June 2020, 22 June 2022, 29 July 2022, and 1 July 2023. A further change, requiring inclusion of a dispute resolution process, came into force from 1 July 2024.<sup>i</sup>

While the Society is incorporated under the *Queensland Associations Incorporation Act 1981* it is also regulated by the Australian Charities and Not-for-profits Commission (ACNC). The *Australian Charities and Not-for-profits Commission Act 2012* came into force on 3 December 2012. However, the ACNC did not begin to apply the law until 1 January 2014, after the *Charities Act 2013* came into effect. The *Charities Act 2013* introduced statutory definitions for "charity" and "charitable purposes".<sup>ii</sup>

In addition, deductible gift recipient reforms in the *Treasury Laws Amendment (2021 Measures No. 2) Act 2021* and *Treasury Laws Amendment (Refining and Improving our Tax System) Act 2023* require consideration.<sup>iii</sup>

The Society's current constitution has remained unchanged since it was adopted in September 1992. This means that the current constitution has failed to fully address the terms of the new legislation since then and has inconsistencies that are overridden by the changed law.

### Industry changes

The magnitude and scope of changes within the industry in which our Society operates are extensive. Some of the more noticeable changes since 1992 are listed below.

Business operations and events are today often conducted using electronic media such as Zoom or other meeting platforms, whereas previously they were always held in person. The Society's proposed constitution ensures that decisions made when using such media are lawful.

Online access to records, in addition to transcriptions, microform and hard copies, is now the norm. Commercial operators such as Ancestry, MyHeritage, Findmypast and others have come into being. The Church of the Latter Day Saints has developed its resource offering with the establishment of FamilySearch. This is creating change in the way the Society accesses, stores and makes resources available to its members, and in the expectations that members have of the services offered by the Society.

The COVID19 epidemic drove collaboration and education online even faster than had been the case before. Use of Zoom, social media, and messaging tools is now commonplace. Attending information sessions and seminars online is easy and relatively cheap. This is creating change in the way Society members engage, communicate and socialise.

The establishment of the Society's education program began in the '90s and grew substantially with the 21<sup>st</sup> century, first with face to face events and then online and hybrid. This has introduced a new income stream, new member benefits and the need for a variety of volunteer skills not needed (or even existing) in the past.

The establishment of the Society's online data delivery capability grew from the wonderful indexing our publications team have created over many years. Being able to offer this data to our members online has delivered new and increasingly expected member benefits, and an excellent resource to attract new members. It also created the need to protect our data from electronic attack or misuse.

The increasing use of digitisation in the Society's projects is another new income stream for the Society as data may be leased to commercial content providers, as well as adding to our extensive online data delivery. It has also provided a significant cost savings in some commercial provider subscription fees for the Society.

DNA testing for genealogical purposes did not exist in a cost-effective form in 1992. Now it is a standard tool in our analysis kit. The Society has developed ways to help its members with this, providing an interest group, many education sessions and many, many collaborative chats.

The increasing use of artificial intelligence in family history and genealogical pursuits and businesses can be a double-edged tool. Similarly to when the commercial online resource providers began operating, and DNA analysis was introduced, Society members should be able to look to the Society for information and guidance on this new development.

There are greater societal protections legislated for those under 18 years of age, requiring the Society consider how it encourages youth in the sector with needing it's volunteers to have blue cards before engaging with minors.

Importantly, the constitution must allow the Society to respond to future needs and developments promptly, allowing innovation in ways not clear to us now.

---

<sup>i</sup> Details of these changes are available at <https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/associations-charities-and-non-for-profits/incorporated-associations/law-changes/previous>

<sup>ii</sup> Details of these changes are available at <https://www.aicd.com.au/regulatory-compliance/acnc-governance-standards/acnc-act-2012.html> and <https://www.maddocks.com.au/insights/charities-act-2013-takes-effect-meaning-of-charity-clarified>

<sup>iii</sup> Details of these changes are available at <https://www.ato.gov.au/about-ato/new-legislation/in-detail/not-for-profit/deductible-gift-recipient-reforms>