



Item 4.1

Proposed Amendments to the Constitution - Explanatory Statement

Based on discussions at Management Committee meetings and after consultation with Jackson McDonald lawyers, certain changes to the CEACA Constitution are proposed.

The legal review by Jackson McDonald has considered the need for CEACA's constitution to satisfy the requirements of ACNC and the Australian Taxation Office.

The proposed Constitution with tracked changes is attached. To summarise, the proposed changes are as follows:

1. Vision of the Association (Paragraph 1.2)

"ageing population" changed to "current and future population".

This change reflects the broader view of CEACA in relation to the needs of the Wheatbelt communities.

2. Objects and Purpose of Association (Paragraph 1.3)

"aged" changed to "people in need including disadvantaged, aged and individuals with disabilities".

This change reflects the broader view of CEACA in relation to the needs of the Wheatbelt communities.

3. Definitions (Paragraph 2.1)

Various changes to bring the Constitution in line with the current standard clauses of charitable entities in respect of ACNC and Taxation related matters.

4. Applying for Membership (Paragraph 5.4)

Applicants to apply for a 3-year term.

5. Becoming a Member (Paragraph 5.6)

"and terms of Membership" added to the paragraph heading.

Membership terms to be 3-year terms.

6. Resigning as a Member (Paragraph 7.2)

A Member which resigns is liable to pay the remaining Membership fees, if any, related to a 3-year term.

7. Annual Membership Levy (Paragraph 9.2)

Annual membership levy to be paid annually or as otherwise determined by the Management Committee.

A Member which resigns before the end of the 3-year term is immediately liable to pay the remaining Membership fees, if any, related to the 3-year term.

8. Secretary and Treasurer (Paragraphs 11.5 and 11.6)

With the approval of the Management Committee, the Secretary and Treasurer may delegate their duties to the Executive Officer of the Association.

9. Special Resolutions (Paragraph 19.1)

“sell transfer or otherwise dispose of any land owned by the Association” is added to the list of items requiring a special resolution (at least 75% approval of Members).

10. Cancellation and Distribution of Surplus Property (Paragraph 29)

Changes to the wording to comply with the current standard in accordance with ACNC and ATO requirements.

11. Generally

The lawyers have reviewed the Constitution and proposed wording changes where appropriate to comply with the current standard in accordance with the ACNC and ATO.

It is proposed that subject to approval of the Management Committee of the proposed amendments to the Constitution, the amendments be put to a CEACA Members meeting to be held after the Management Committee meeting in late August 2023.

Richard Marshall
Executive Officer
8 May 2023