



## **Proposed Amendments to the CEACA Constitution Explanatory Memorandum**

### Changes arising from Management Committee meeting on 6 November 2023:

- Para 9.2(a) – remove reference to Rule 30.1(a) as that rule no longer applies. Rule 30.2 says that Rule 30 no longer applies after expiry of Reserve Power period (3 years from adoption of Constitution). Rule 30 is retained for historical reference purposes. Rule 30.2 makes it clear that Rule 30 no longer applies.
- Rule 9.2(f) – remove the word “immediately” because the future membership fee amounts may be unknown and therefore can’t be determined immediately.
- Management Committee (“MC”) to be able to set a maximum fee per annum for the 3-year period. Incorporated this into Rule 9.2(a).
- Rule 12.5 (e) - Maximum term – refer to succession planning as determined by the MC (to try to ensure don’t lose excessive MC members at the same time).

### Changes arising prior to the MC meeting on 6 November 2023:

The following proposed changes (1 to 11) to the Constitution were approved by the CEACA Management Committee on 29 May 2023.

These changes (1 to 11) were proposed after consultation with Jackson McDonald, Solicitors.

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 requirements of ACNC and ATO requirements.

11. Generally

Proposed wording changes where appropriate to comply with the requirements of ACNC and ATO.

Recent changes identified as a part of the proposed application to become a Community Housing Provider (CHP):

12. Definition of “Community Housing Assets”, “Community Housing Provider” and “Registered” included in the list of definitions.

13. Provision for Community Housing Assets on a wind-up of CEACA to be transferred to the Housing Authority or to another CHP in Western Australia (Definitions in conjunction with Paragraph 29).

14. The Management Committee to meet at least six times per year (currently four times per year) (Paragraph 14.1).

15. A maximum term of nine (9) years for Management Committee Members from the date of the 2023 AGM, to mandate new members to the Management Committee after a reasonable amount of time (Paragraph 12.5).

16. Details of the Management Committee’s role in relation to oversight of the organisation and its operations (Paragraph 11.2(i)).

**Richard Marshall**

Executive Officer

11 December 2023