YOUTH AFFAIRS COUNCIL OF WESTERN AUSTRALIA

CONSTITUTION

as amended December 2023

1. NAME

1.1. The name of the organisation shall be "Youth Affairs Council of Western Australia."

2. DEFINITIONS

2.1. In this Constitution, unless the context otherwise requires:

i. *Board Meeting* means a meeting of the Board as prescribed in clause 8.6;

ii. *Council* means the Youth Affairs Council of Western Australia (Incorporated);

iii. *Executive Officer* means the senior staff member of the Council regardless of their position title**;**

iv. *General Meeting* means a meeting of the Council to which all Members are invited;

v. *Government* means State or Federal government agencies;

vi. *In writing* means written notification by email, postage or other means;

vii. *Relevant legislation* means the *Associations Incorporation Act 2015* of Western Australia, including any amendments to that Act or any other Acts that may replace or supersede this Act from time to time;

viii. *Voting member/ship* means those members specified in sections 5.2.1. and 5.2.2., who are entitled to exercise voting rights;

ix. *YACWA* means the Youth Affairs Council of Western Australia (Incorporated);

x. *Youth Affairs* means any matter concerning young people and the workforce supporting them;

xi. *Young People* means persons aged between 12 and 25 years inclusive.

2.2. This Constitution has the following companion documents, which should be read in Conjunction with the Constitution:

i. YACWA Strategic Plan;

ii. YACWA Board Charter;

iii. Delegation of Authority.

3. OBJECTIVES

3.1 YACWA is formed with the principal objective of assisting young people in Western Australia, in particular vulnerable and disadvantaged young people, through promoting and supporting socially just policies and programs. We achieve this principal objective through:

i. Undertaking activities which develop the skills, capacity and confidence of young people to be leaders in the community.

ii. Supporting and promoting initiatives, which increase the capacity of young people.

iii. Offering services to the youth sector that increase their capacity to deliver high quality support to young people.

iv. Directly engaging with key stakeholders, relevant government agencies, private industry and other community organisations to influence policy and service delivery that affect young people.

v. Providing platforms for young people and those who support young people to engage with government and the community in the formulation of local, state and national policies that affect young people.

vi. Developing and delivering ground-breaking ideas and solutions, based on the needs and experiences of young people and the youth sector that support them.

vii. Educating the community about issues impacting on young people to counter negative stereotypes and foster positive dialogue.

viii. Promoting the positive contributions young people make to the community.

ix. Promoting social justice and equity for all young people, acknowledging our past history, Aboriginal and Torres Strait Islander heritage and our collective responsibility for reconciliation.

3.2 The Council does not undertake to represent, advocate for or defend individual members or member organizations on ethical, industrial or legal matters.

4. POWERS

PENDING BOARD APPROVAL

The powers of the Council are those conferred on it by the relevant legislation, including but not limited to the powers to do all things necessary or convenient for carrying out its objects, and in particular may:

i. acquire, hold, deal with, and dispose of any real or personal property;

ii. own and operate bank accounts;

iii. invest its money, in any security in which trust monies may lawfully be invested or in any other manner authorised by this Constitution;

iv. borrow, raise and accept money and other material resources upon such terms and conditions as the Council sees fit;

v. give such security for the discharge of liabilities incurred by the Council, as the Council sees fit;

vi. appoint agents to transact any business of the Council on its behalf, including but not limited to staff, consultants, volunteers and students on work placement;

vii. enter into any other contract the Council considers necessary or desirable;

viii. distribute money or other resources to other organisations for the purpose of furthering the objects of the Council as the Council sees fit;

ix. act as trustee and accept and hold real and personal property upon trust, but does not have the power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene the relevant legislation or this Constitution.

5. MEMBERSHIP

5.1. Eligibility

Membership of the Council is open to those who subscribe to the aims and objectives of the organisation, and who have an interest in youth affairs.

5.2. Categories of Membership

5.2.1. Individual Member; open to those individuals who are eligible under 5.1 who are age 15 and over, particularly including those who work or volunteer with or for young people, and young people themselves, but not including Members of Parliament or any other elected members of government or employees of YACWA.

5.2.2. Organisational Member; open to those organisations who are eligible under 5.1, particularly including those providing services to young people, but not including organisations, offices or departments of government.

5.2.3. Associate Member; open to those who:

i. are eligible under 5.1 but not eligible for other categories of membership, particularly due to connections with Government, being under the age of 15, and/or due to being an employee of YACWA; or

ii. wish to be associate members although they may be eligible for other membership.

5.3. Life Membership

5.3.1. Individual Members who have made a significant contribution to YACWA may be recognised as Life Members under the provisions of this section.

5.3.2. Life Members have the same rights as Individual Members as provided in this Constitution, however are exempt from section 5.7. (Membership Fees).

5.3.3. By ordinary resolution of the Board, an ordinary motion may be recommended to the Annual General Meeting for an individual to be awarded Life Membership.

5.4. Rights & Responsibilities of Members

5.4.1. By virtue of their Membership, Individual Members, Organisational Members, and staff members of Organisational Members, gain access to YACWA's Member services.

5.4.2. Individual Members and Organisational Members have the same rights, including for the purposes of voting at General Meetings. Associate Members do not have voting rights.

5.4.3. A right or obligation of a person or organisation by virtue of their Membership of the Council:

i. Is not capable of being transferred or transmitted to another person or organisation, unless through the approved delegation of Proxy Voting powers for General Meetings of the Council as outlined in 7.7.

ii. Terminates upon the cessation of membership.

5.4.4. Members have a requirement to:

i. Pay membership fees as they are due.

ii. Subscribe to the aims and objectives of the organisation.

PENDING APPROVAL

5.5. Admission to Membership

5.5.1. An application for membership of the Council shall be:

i. made on a form approved by the Board, specifying the category of membership sought; and

ii. signed by the individual applying for membership; and

iii. lodged with the Council's Executive Officer, together with the sum payable as the first year's membership fee.

5.5.2. Where Organisational Membership is sought, the signature under 5.5.1.(ii) above is to be of a person authorised to sign on behalf of that organisation.

5.5.3. The Executive Officer shall refer the application for consideration by the Board at the next available Board meeting, for acceptance or rejection.

5.5.4. Upon an application being approved by resolution of the Board the Executive Officer shall, with as little delay as possible, enter the applicant's name in the Register of Members, whereupon the applicant becomes a member of the Council. The Executive Officer shall notify the applicant in writing that the application for membership of the Council was approved.

5.5.5. If the Board rejects a nomination for membership the applicant may advise the Executive Officer in writing within 14 days of receiving advice of the rejection, of an intention to appeal to the next General Meeting of the Council to affirm or overrule the decision of the Board. The Executive Officer will include this on the agenda for such meeting, providing time at the meeting for the nominee to be heard by, or make representations in writing to, the meeting. If the decision of the Board is overturned the nominee will become a member of the class specified in the original nomination.

5.6. Register of Members

5.6.1. The Executive Officer shall, as prescribed by the relevant legislation, cause to be maintained a Register of Members of the Council which records:

i. the name and current address of the Members;

ii. their membership category;

iii. their date of admission to, and termination of, membership; and

iv. any periods of office or Board membership.

5.6.2. The Register of Members shall be available for inspection by members at reasonable times at a place nominated by the Board. Members may make a copy of, or take an extract from, the register but have no right to remove the register for that purpose.

5.6.3. If a Member ceases to be a Member, under the provisions of this Constitution or through death, the Executive Officer shall delete the Member from the Register of Members as soon as is practicable.

5.7. Membership fees

5.7.1. The Board will set the annual membership fees payable by members through an ordinary Board resolution, with these fees to be reviewed annually.

5.7.2. The Executive Officer will accept Member fee payments on or before 30 September each year, as payment for that financial year.

5.7.3. If a Member does not pay their fee within three months of the due date they cease to be a Member of the Council, unless the Board decides otherwise.

5.8. Termination of Membership

5.8.1. A member or member organisation representative who delivers notice in writing of his or her resignation from the Council to the Executive Officer ceases on that delivery to be a Member.

5.8.2. A member who fails to pay their membership fee under 5.7.3 will cease to be a Member.

5.8.3. Members may be expelled from the Council under clause 5.9.

5.9. Expulsion from the Council

5.9.1. Where the Board determines that a Member should be suspended or expelled from Membership because his or her conduct is detrimental to the interests of the Council, that Member will be notified in writing of:

i. the proposed suspension or expulsion;

ii. the time, date and location of the Board Meeting at which the question of that suspension or expulsion is to be decided;

iii. their ability to be heard by, or make representations in writing to, the Board before the decision is made; and

PENDING FINAL APPROVAL

iv. the particulars of the conduct in question,

not less than 30 days before the date of the Board Meeting at which the matter is to be decided.

5.9.2. The Board may by two-thirds majority of those present and voting at a meeting suspend or terminate the membership of any members of Council who have been served as per 5.9.1 above, effective from the next day after that meeting. This will be communicated to the Member as soon as is practicable.

5.9.3. A member whose membership is terminated or suspended may, within fourteen days of termination or suspension, appeal in writing to the Executive Officer.

5.9.4. The Board shall call a Special General Meeting of the Council within one month of receipt of a notice of appeal referred to in sub-clause 5.9.3.

5.9.5. The Council shall decide whether such termination or suspension of membership shall be confirmed or lifted and may impose such conditions as it deems fit on the Member as a condition for reversal of the decision of the Board. The Member will have the opportunity to be heard by, or make representations in writing to, that meeting.

6. APPOINTMENT OF ORGANISATIONAL MEMBER REPRESENTATIVE

6.1. In order for an Organisational Member to undertake their rights and responsibilities as a Member, they must appoint a representative to act on their behalf.

6.2. A representative of an Organisational Member must be eligible to be an Individual Member of the Council under this Constitution.

6.3. The appointment of a representative is to be made on a form approved by the Board and include details of the individual to be granted representative status, and the period and/or activity for which the appointment is to stand.

6.4. No individual may be a representative of more than one Organisational Member.

7. GENERAL MEETINGS

7.1. Quorum of General Meetings

7.1.1. No item of business shall be transacted at a General Meeting unless a quorum of members entitled to vote under this Constitution is present.

7.1.2. The quorum for General Meetings shall be twenty (20) voting Members, or one half of the voting membership, whichever is the fewer.

7.1.3. If within 30 minutes after the time specified for the holding of a General Meeting called in accordance with this Constitution a quorum is not present the General Meeting lapses, and the Meeting's Chairperson will decide whether to:

i. adjourn to the same time on the same day in the following week at the same venue; or

ii. to re-call the General Meeting under the provisions in this Constitution.

7.1.4. If within 30 minutes after the time specified for the holding of a General Meeting called under 7.1.3.i a quorum is not present the General Meeting may proceed as if a quorum was present.

7.2. Notice of General Meetings

7.2.1. The Board shall give at least 21 days notice in writing to all members of the place, day, and time for the holding of a General Meeting, and of the nature of the business to be transacted.

7.2.2. Notice of a General Meeting will be sent to the addresses listed on the Register of Members, and will be deemed to be properly effected if sent as such.

7.3. Annual General Meeting

7.3.1. The Council shall, once each calendar year, hold an Annual General Meeting (AGM).

7.3.2. The AGM shall be held on such day (being within the period of six months beginning at the end of the Council's most recently ended financial year) as the Board may determine, in line with the relevant legislation.

7.3.3. The AGM shall be in addition to any other meetings that may be held in the same year, and shall be specified as such in the notice convening it.

7.3.4. The ordinary business of the Annual General Meeting shall be:

i. to confirm the minutes of the last preceding Annual General Meeting;

ii. to consider the audited statement of the Council's accounts in respect of the most recently ended financial year and the Auditor's report on such;

iii. to consider any reports of the Council and/or Board;

PENDING DEPT APPROVAL

iv. to accept nominations to the Board, or if an election has been held for Board positions under this Constitution, to accept the results of that election; and

v. any other business requiring consideration as noted on the agenda.

7.3.5 The Annual General Meeting may transact special business of which notice is given in accordance with this Constitution.

7.4. Special General Meetings

7.4.1. Special General Meetings may be called:

i. by the Board through an ordinary resolution; or

ii. by written request of 10% of the voting Members,

a. stating the proposed business of the Special General Meeting; and

b. containing signatures of those Members requesting it, and

c. presented to the Executive Officer in writing; noting that

d. the request may consist of several documents in like form.

7.4.2. On receipt of a member request for Special General Meeting the Board must, within 28 days, submit notice of that Special General Meeting or inclusion of the proposed business in the agenda for an upcoming Annual General Meeting, with the meeting to consider that business to be held no less than fourteen (14) days and no longer than two (2) months from the date of receipt of the request.

7.4.3. If a Special General Meeting is not convened within the relevant periods under 7.4.2, the requestors together or any individual requestor may convene the meeting, as if they were the Board.

7.4.5. A Special General Meeting convened by requestors in accordance with these rules shall be convened in the same manner as that in which the Board convenes Special General Meetings, including with all reasonable costs of that Meeting being borne by the Council.

7.5. Procedure at General Meetings

7.5.1. The Chairperson shall chair General Meetings of the Council. In the absence of the Chairperson, the Vice- Chairperson shall chair General Meetings of the Council. If the Chairperson or Vice-Chairperson is not present or is unwilling to act, or if it has been agreed by the Board, the Members present shall appoint one of their Members to chair the meeting.

PENDING BOARD APPROVAL

7.5.2. The person chairing a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

7.5.3. Where a meeting is adjourned for 21 days or more, then like notice of the adjourned meeting shall be given as in the case of the original meeting.

7.5.4. Votes at General Meetings are to be conducted by show of hands, and a declaration by the Chairperson that a resolution has been passed is considered evidence of that fact. A written poll on a decision may be required if called for by the Chairperson or by three (3) Members present or by proxy, to be conducted immediately in such manner as the Chairperson directs.

7.5.5. The Board will record proper minutes of the General Meeting inclusive of:

i. the names of the committee members present at the meeting.
ii. the names of others present who have been invited to do so by the committee.
iii. the business considered at the meeting;
iv. any motion on which a vote is taken at the meeting and the result of the vote.
v. details relating to the disclosure of a committee member's material personal interest in a matter being considered at a committee meeting to be recorded in the minutes of the meeting.

7.5.6 The minutes of a committee meeting will be stored by the Executive Officer within 30 days after the meeting is held.

7.5.7 The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by —

i. the chairperson of the meeting; or
ii. the chairperson of the next committee meeting.

7.5.8 When the minutes of a committee meeting have been signed as correct, they are, until the contrary is proved, evidence that —

i. the meeting to which the minutes relate was duly convened and held; and
ii. the matters recorded as having taken place at the meeting took place as recorded; and any appointment purportedly made at the meeting was validly made.

7.6. Voting rights at General Meetings

7.6.1. Voting rights may be exercised by Individual Members and Organisational Members at General Meetings, with each Member being entitled to one vote.

7.6.2. Organisational Members' votes may be exercised by their appointed representative under this Constitution.

7.6.3. Associate members shall be entitled to attend all General Meetings of the Council, but shall not be entitled to vote.

7.6.4. A person who is an Individual Member in their own right and a representative of an Organisational Member shall be entitled to exercise their own vote and a vote for the organisation they represent.

7.7. Proxy Voting

7.7.1. A Member may exercise voting rights at General Meetings by proxy in writing in a form approved by the Board, appointing another Member to exercise their vote at that meeting.

7.7.2. The proxy voting form for a General Meeting is to be enclosed with the notice of that General Meeting to Members.

7.7.3. No Member or Member representative may exercise more than one proxy at a meeting, other than as specified under 7.7.4.

7.7.4. The provisions of 7.7.3. do not apply to the Chairperson of a General Meeting, who may exercise more than one proxy.

8. BOARD OF THE COUNCIL

8.1. Purpose

8.1.1. The affairs of the Council will be managed exclusively by the Board, under the provisions of this Constitution.

8.1.2. The Board delegates some of its responsibility under the Board Charter and Delegation of Authority documents.

8.2. Composition

8.2.1. The Board will consist of the following roles with relevant Role Descriptions for each position held on separate record by the Executive Officer:

i. one Chairperson; and

ii. one Vice Chairperson; and

PENDING BOARD APPROVAL

iii. one Secretary; and

iv. one Treasurer; and

v. two Ordinary Members who were young people at the time of their election; and

vi. three other Ordinary Members.

8.2.2. Of the above positions, six Board positions, including the two young people positions, will be elected by members (member-elected positions) and three Board positions will be appointed directly by the Board (Board-appointed positions), as per the processes described in sections 8.4 – 8.7.

8.2.3 The Chairperson, Vice-Chairperson and Treasurer shall be appointed from within the Board by a Board resolution at the first Board Meeting following the Annual General Meeting.

8.2.4. The Chairperson is not to be an employee of the government.

8.2.5. The Board may co-opt up to two additional members who do not have voting rights, in order to address skills shortages on the Board or for other purposes as the Board sees fit. Co-opted members are appointed for a term no longer than the period until the next Annual General Meeting.

8.2.6. The Executive Officer of the Council shall be ex officio a member of the Board but without the power to vote.

8.3. Eligibility

8.3.1. To be eligible to serve on the Board an individual must:

i. be an Individual Member of the Council; and

ii. have not served as a Board member continuously for more than two terms preceding the term for which they currently seek appointment; and

iii. have not been an employee of the Council at any point in the twelve months prior to the date of the Annual General Meeting at which they seek appointment.

8.3.2. As per the eligibility requirements of this clause, a Board member may not serve more than three consecutive terms of three years (nine years in total). At the expiration of three consecutive terms a Board member must leave the Board for at least one year before becoming eligible for re-election or re-appointment to the Board.

8.4 Nomination for Member-Elected Positions

8.4.1. A call for nominations to the Board for member-elected positions will be made no less than 42 days prior to the date of the Annual General Meeting, with all nominations to be received in writing by the Executive Officer no less than 28 days prior to the date of the Annual General Meeting.

8.4.2. All nominations for member-elected positions must be in a form prescribed by the Executive Officer and include the consent of the nominee and the signature of at least one Individual Member other than the nominee who supports the nomination.

8.4.3. If more nominations for member-elected positions are received than positions vacant, the Board shall appoint by an ordinary Board resolution no less than 21 days prior to the date of the Annual General Meeting, two (2) returning officers to conduct an election of the Board as per the provisions in section 8.5.

8.5 Nomination for Board-Elected Positions

8.5.1 The Board will identify potential individuals suitable to serve as board-appointed Board members, through any process it determines appropriate.

8.5.2. An individual identified through this process may be required to submit a nomination in a form prescribed by the Executive Officer.

8.6. Appointment

8.6.1. Board members are appointed for a term of three years via a resolution of the Annual General Meeting and has a rolling expiry. Appointment occurs:

i) via a resolution of the Annual General Meeting for member-elected positions

ii) via resolution by the Board for Board-appointed positions.

8.6.2. Where an election for member-elected positions is not required, the names of the individuals who will be appointed to the Board will be included in the notice of the Annual General Meeting provided to Members.

8.6.3. If vacancies for member-elected positions remain on the Board after the provisions in clauses 8.3. and 8.6. have been completed, nominations to the Board may be accepted from the floor of the Annual General Meeting. If such nominations from the floor do not exceed the number of vacancies the Chairperson will declare those persons to be duly elected to the Board. Where the number of nominations from the floor exceeds the remaining

number of vacancies on the Board, the Chairperson will cause a written poll to be conducted.

8.6.4 The appointment of all Board-appointed positions will be communicated to members within 28 days of the appointment being made.

8.7. Elections for Member-Elected Positions

8.7.1. Where an election for member-elected positions is required, the Returning Officers will conduct a poll using the proportional voting system-single transferrable vote model.

8.7.2. For the purposes of holding an election where Board members under both 8.2.1.v (young board members) and 8.2.1.vi (ordinary board members) are being elected, all candidates will be presented together on the ballot paper. Through the count process positions under 8.2.1.v and 8.2.1.vi will be allocated according to eligibility for those positions.

8.7.3. In the case where there are no persons eligible to take a vacant position under 8.2.1.iv successful at the end of the count, the count will be continued with the final position (or positions if more than one position under 8.2.1.iv is vacant) not being declared until they are held by a person eligible.

8.7.4. Voting packages including short biographies of the candidates and a ballot paper will be included in the notice of the Annual General Meeting provided to Members, with all ballot papers to be received by the returning officers no less than 7 days prior to the Annual General Meeting date.

8.7.5. Candidates in the election are entitled to vote the same as any other Member of the Council.

8.7.6. Completion of the ballot paper for a Board election is subject to the provisions of section 7.6. of this Constitution however is not considered the exercise of a proxy vote under section 7.7. of this Constitution.

8.7.7. The returning officers will count all votes received by the due date and report to the members at the Annual General Meeting with the outcome of the election.

8.8. Extraordinary Vacancies

8.8.1. Any vacancy occurring in any office of the Board between General Meetings may be filled by the Board from any eligible persons and the member of the Board will hold office for the remainder of his or her predecessor's term of office.

8.8.2. The office of any member of the Board shall be vacated and an extraordinary vacancy shall arise if any of the following events should occur:

i. the member dies; or

ii. the member is convicted of an offence under any relevant legislation; or

iii. the member resigns their office by notice in writing to the Chairperson, or if that person is the Chairperson, to the Vice Chairperson; or

iv. the member fails to attend:

a) the member fails to attend: three consecutive Board meetings; or

b) three Board meetings in the same financial year without tendering an apology to the person presiding at each of those Board meetings;

of which the member received notice, and the Board declares that office vacant through an ordinary Board resolution; or

v. the member ceases to be an Individual Member of the Council; or

vi. the member is the subject of a resolution passed by a Special General Meeting called under the provisions of this Constitution for the purpose of terminating his or her appointment to the Board.

8.9. Board Proceedings

8.9.1. The Board shall meet a minimum of six (6) times in each calendar year, either digitally or face-to-face, and no two meetings shall be separated by a period of more than twelve weeks.

8.9.2. Each member of the Board is entitled to one vote and all resolutions of the Board will be passed by a simple majority.

8.9.3. In the event of a tied vote the Chairperson is entitled to an additional vote.

8.9.4. A quorum of the Board shall be no less than one half of its voting members.

8.9.5. The Chairperson is to preside at Board meetings. If at any time the Chairperson is unavailable the Vice Chairperson shall fulfil the role of Chairperson, or in the case that neither are present, a member-elected by the members present at that meeting is to preside.

8.9.6. As required under the relevant legislation, all Board meetings are to begin with disclosures of pecuniary interest by those present. Disclosures are to be handled as per the relevant legislation and the Board Charter.

8.9.7. Notwithstanding any requirements of the Board under any Western Australian or Commonwealth legislation; the Board is responsible for

pursuing the objectives of the Council, the formulation and implementation of policy, the establishment of and setting terms of reference for Portfolio Groups, the membership subscription fee and the general organisation and strategic direction of the Council.

8.9.8. The Board may pass a resolution without a Board meeting being held if all Board Members, or a majority of the Board Members, who are entitled to vote on the resolution are in favour of the resolution set out in the document. A resolution can be agreed to with use of any technology including fax or email. The resolution is passed when the last Board Member, or the last of the Board Members constituting a majority (as applicable), has agreed to the document. Written resolutions must be minuted at the next Board meeting.

8.10 Minutes and Record Keeping

8.10.1 The Board will record proper minutes of the Committee Meetings inclusive of:

i. the names of the committee members present at the meeting.
ii. the names of others present who have been invited to do so by the committee.
iii. the business considered at the meeting;
iv. any motion on which a vote is taken at the meeting and the result of the vote.
v. details relating to the disclosure of a committee member's material personal interest in a matter being considered at a committee meeting to be recorded in the minutes of the meeting.

8.10.2 The minutes of a committee meeting will be stored by the Executive Officer within 30 days after the meeting is held.

8.10.3 The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by —

i. the chairperson of the meeting; or
ii. the chairperson of the next committee meeting.

8.10.4 When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that —

i. the meeting to which the minutes relate was duly convened and held; and

ii. the matters recorded as having taken place at the meeting took place as recorded; and any appointment purportedly made at the meeting was validly made.

9 SUBCOMMITTEES

9.1. The Board may from time to time establish subcommittees for the purposes of better achieving the aims and objectives of the Council. Such subcommittees shall be formed for specific purposes and may be established indefinitely, or for a specific period of time.

9.2. Subcommittees will operate from the Board Charter, and will report directly to the Board.

10 DESIGNATED MEDIA SPOKESPERSON

The Chairperson is the designated media spokesperson. The Chairperson may delegate the media spokesperson responsibility to the Executive Officer.

11 CONSTITUTION OF THE COUNCIL

11.1. This Constitution binds every Member and the Council to the same extent as if every Member and the Council had signed and sealed these rules and agreed to be bound by all their provisions.

11.2. The Council may alter or rescind this Constitution in accordance with the relevant legislation.

11.3. The Constitution of the Council shall be amended by a vote of not less than three-quarters majority of members present and voting at the Annual General Meeting or at a Special General Meeting called for that purpose.

11.4. Following a vote under section 11.3. the Executive Officer will lodge details of the change with the relevant government authority under the relevant legislation, and where approval from that authority is required for the changes, will inform the members on the outcome of that request for approval within 14 days of receiving notice.

12 FINANCIAL YEAR

12.1. The financial year of the Council shall be from the 1st day of July to the 30th day of June.

13 COMMON SEAL

13.1. The Council will keep a common seal on which its corporate name appears in legible characters, kept in the custody of the Executive Officer.

13.2. The common seal may be affixed with the authority of the Board via minuted decision, and countersigned by any two of the Chairperson, Treasurer and the Executive Officer.

14 PUBLIC OFFICER

The Executive Officer shall be the nominated Public Officer of the Council.

15 THE CUSTODY OF RECORDS, BOOKS, DOCUMENTS AND SECURITIES OF THE COUNCIL

The Executive Officer has custody of all books, documents, records and register of the Council other than those required to be kept and maintained by, or in the custody of the Chairperson or Treasurer. These records, books, documents and securities will be kept at the Council's place of business.

16 INSPECTION BY MEMBERS OF THE COUNCIL OF RECORDS AND DOCUMENTS OF THE COUNCIL

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Council.

17 DISPUTES AND MEDIATION

17.1. From time-to-time disputes may arise within the Council that are relevant to the Council's roles, mission and objectives:

i. between a member and another member; or

ii. between a member and the Council; or

iii. between a non-member who receives services from the Council and the Council,

17.2. Resolution of disputes shall follow principles of natural justice and procedural fairness and be in accordance with the Council's policies, including making use of a mutually agreed mediator where appropriate.

17.3. Addressing complaints or concerns raised by a person about the activities of the Council, its Members, employees, or agents shall follow principles of natural justice and procedural fairness and be conducted in an impartial way and in accordance with the Council's policies and all relevant legislation.

18 FUNDS AND PROPERTY

18.1 The property and income of the Council shall be applied solely towards the promotion of the mission and objects of the Council and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

18.2 The funds and property of YACWA shall consist of:

i. Any real or personal property of which YACWA by this Constitution or by any established practice not inconsistent with this Constitution, have the right to custody, control and management;
ii. All monies from fund raising activities organised by YACWA and any interest, rents or dividends derived from investment of funds; and
iii. Any monies raised by any means whatsoever, not inconsistent with this Constitution.

18.3 YACWA shall operate in its name at any bank or financial institution such accounts as may be agreed upon by the Board. All funds of YACWA shall be paid into YACWA's accounts. The signatories to YACWA shall be decided by the Board.

18.4 Any payment made out of the funds of YACWA to a member of the Board must be authorised by a resolution of the Members

19 DISSOLUTION

19.1. The Council may be dissolved or wound up by a vote of not less than three-quarters majority of members present and voting at any General Meeting of the Council.

19.2. The notice convening the General Meeting at which the resolution to dissolve the Council is to be put, shall state that the dissolution of the Council is to be proposed.

19.3 If the Council is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another association with similar objects, which is incorporated under the Western Australian law, to which income tax deductible gifts can be made:

i. gifts of money or property for the principal purpose of the Association

ii. contributions made in relation to an eligible fundraising event held for the principal purpose of the Association

iii. money received by the Association because of such gifts and contributions.