

YOUTH AFFAIRS COUNCIL OF WESTERN AUSTRALIA INC

SUMMARY OF PROPOSED CHANGES TO CONSTITUTION

FOLLOWING YACWA BOARD MEETING on 29 October 2018

This document summarises changes proposed to the YACWA Constitution to meet the following Objectives:

- Meet the Model Rules, as set down by the Western Australian Department of Mines, Industry Regulations, and Safety. Note: the model rules are a standard set of rules that have been developed for use by associations and can be used as a guide for Associations who wish to write their own rules. The rules in the Departments Guide meet all the requirements of the Act and provide a suitable governance framework for an incorporated association.
- To identify clear Objectives within YACWAs constitution, so that we may apply for PBI and DGR Status.

We recommend reviewing it alongside the existing Constitution and the proposed Constitution with Tracked Changes in order to fully understand the scope of the changes.

Subject	Original Clause	Proposed Clause	Summary of Changes	Vote yes	Vote No
Objectives	3.1	3.1	<p>Removed previous Clause 3.1 which stated, "The Council's mission, vision and objectives are outlined in the Council's Strategic Plan"</p> <p>Added the following objectives under 3.1:</p> <p>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:</p> <ul style="list-style-type: none"> 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 		

			<p>young people.</p> <p>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.</p> <p>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.</p> <p>vii. Educating the community about issues impacting on young people to counter negative stereotypes and foster positive dialogue.</p> <p>viii. Promoting the positive contributions young people make to the community.</p> <p>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.</p>		
Property and Income	3.2	18	<p>Introduced new clause 18 named Funds and Property</p> <p>3.2 moved to be under this new clause</p> <p>Dissolution renumbered to be clause 19</p>		
Categories of Membership	5.2.3 i	5.2.3 i	<p>Wording changed in sub-clause i. to include 'under 15 years of age'</p>		
Minutes	7.5.5	7.5.5	<p>Deleted wording under 7.5.5</p> <p>"The Board must cause proper minutes of all proceedings of General Meetings to be taken, and stored within 30 days with the Council's other records. Once these minutes have been approved at a subsequent General Meeting they are to be signed by the Chair of either the original meeting or the meeting at which a motion for approval was passed, and returned to the Council's record storage."</p> <p>Replaced wording for 7.5.5 and subsequent sub-clauses under this section to the following:</p> <p>7.5.5. The Board will record proper minutes of the General Meeting inclusive of:</p>		

			<ul style="list-style-type: none"> 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. <p>7.5.6 The minutes of a committee meeting will be stored by the Executive Officer within 30 days after the meeting is held.</p> <p>7.5.7 The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by —</p> <ul style="list-style-type: none"> i. the chairperson of the meeting; or ii. the chairperson of iii. the next committee meeting. <p>7.5.8 When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that —</p> <ul style="list-style-type: none"> 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. 		
Board Composition	8.2.1	8.2.1	Changed wording slightly to include ‘one secretary’ in the board positions and additional wording on the Relevant role Description.		
Minute/Record taking for Board/Committee meetings.	Currently not evident	8.8	<p>Clause 8.8 Minutes and Record Keeping was added. Previous Clause 8.8 Transitional Provisions deleted as it is no longer required as Transitional Provision were completed.</p> <p>New Clause 8.8 to read:</p> <p>8.8 Minutes and Record Keeping</p> <p>8.8.1 The Board will record proper</p>		

			<p>minutes of the Committee Meetings inclusive of:</p> <ul style="list-style-type: none">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. <p>8.8.2 The minutes of a committee meeting will be stored by the Executive Officer within 30 days after the meeting is held.</p> <p>8.8.3 The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by —</p> <ul style="list-style-type: none">i. the chairperson of the meeting; orii. the chairperson of the next committee meeting. <p>8.8.4 When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that —</p> <ul style="list-style-type: none">i. the meeting to which the minutes relate was duly convened and held; andii. 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.		
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Transitional Provisions	18	Removed	This clause was deleted as it is no longer required as the board transition was completed in 2017/18.		
Funds and Property	Did not exist	18 was created. (Prior to Dissolution)	<p>(3.2) to be transferred into section to become 18.1</p> <p>The following wording was added</p> <p>18.2 The funds and property of YACWA shall consist of:</p> <ul style="list-style-type: none"> a. 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; b. All monies from fund raising activities organised by YACWA and any interest, rents or dividends derived from investment of funds; and c. Any monies raised by any means whatsoever, not inconsistent with this Constitution. <p>8.3 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.</p> <p>8.4 Any payment made out of the funds of YACWA to a member of the Board must be authorised by a resolution of the Members</p>		
			<p>Clause 19.3 was reworded with additional content</p> <p>Old Clause read:</p> <p>19.3. If, on the winding up of the Council, any property of the Council remains after satisfaction of the debts and liabilities and the costs, charges and expenses of that winding up, that property shall be distributed under the relevant legislation and by resolution of the members:</p> <ul style="list-style-type: none"> i. to another incorporated association having objects similar to those of the Council; or ii. for charitable purposes, <p>through a distribution plan for the distribution of the surplus property of the Council.</p> <p>New Clause reads:</p>		

			<p>19.3 If the Association 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 charitable at law, to which income tax deductible gifts can be made:</p> <ul style="list-style-type: none">i. gifts of money or property for the principal purpose of the Associationii. contributions made in relation to an eligible fundraising event held for the principal purpose of the Associationiii. money received by the Association because of such gifts and contributions.		
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