



Dear Members

New Constitution

The Associations Incorporation Act 2015 (WA) (“Act”) was passed a few years ago to replace the previous 1987 legislation. The new Act is aimed at helping associations and clubs in WA operate more efficiently by providing them with a clearer framework in which to operate under a simplified set of rules.

Some of the changes in the Act include:

- a new system of financial reporting and accountability designed to minimise the burden on smaller incorporated associations, while recognising that larger incorporated associations should be accountable for the significant resources under their control
- a modernised statement of the duties that are owed by committee members reflecting their commitment to act in the best interests of the incorporated association and its members
- internal dispute resolution processes to be in place with the option of taking the dispute to the State Administrative Tribunal if unresolved
- removal of the restriction on an incorporated association carrying on business or trading, provided that all profits from these ventures are applied solely towards achieving the incorporated association’s objects or purposes and are not used to secure pecuniary profit to members.

Existing associations were given a three year transition period to review their current constitution and update it to take into account the requirements of the new legislation. This transition period expires on 30 June 2019. In the case of the Society, our constitution is original, dating back to 1977. Your committee decided that our current constitution is too old and not suitable for amendment to take into account many of the new requirements under the Act. Our current constitution can be viewed on the [About](#) page of our website.

The State Government at the time figured many associations would be in a similar situation and so included a model constitution in the Act which could be adopted in full or amended to suit a particular association’s requirements. Your committee decided to adopt the model constitution and take a minimalist approach with amendments.

Please go the [About](#) page on our website to view the marked up copy of our proposed constitution showing the changes against the model scheme text, as well as other Constitution documents. The clean copy for adoption is shown in this Annexure 1.

Your committee has worked on finalising our new constitution since the Act came into force with several committee members attending briefing sessions and workshops organised by the Department of Commerce. Adoption of our new constitution requires a vote of 75% of members present to vote in favour. Your attendance at this AGM is important to ensure passage of our new constitution so that our Society can continue to serve you. The new constitution cannot be amended on the night but your committee acknowledges that some changes may be required over coming years as we operate under the new Act.

If you have any queries then please contact me personally on 0418 958 173 or by email at mountlawleysociety@gmail.com

Yours sincerely

Paul Collins
President