

**PROPOSED AMENDMENTS TO THE ACA NSW CONSTITUTION
(FOR 2017 ANNUAL GENERAL MEETING ON 15 NOVEMBER 2017)**

Item	Reference	Proposed Change	Proposed Rationale
01	Clause 5.5	Notwithstanding sub-clause 5.2, an approved provider shall not be entitled to admission as an ordinary member of the Association if the licensee that service provider: (a) being a person/ persons , is/ are of generally bad character; or (b) being a body corporate, has provision in its constituent document inconsistent with the purposes for which the Association was formed.	This proposed amendment has been referred to the 2017 Annual General Meeting by resolution of the Special General Meeting held on 17 May 2017. The original proposal updates the terminologies to be consistent with the National Quality Framework.
02	Section 6	A person or entity ceases to be a member of the Association if the member: (a) ceases to be eligible to be a member of the Association; (b) being a person, dies; (c) resigns; (d) being an entity, has a liquidator appointed to it; or (e) is expelled from the Association pursuant to clause 16; or (f) no longer has a concurrent membership.	This proposed amendment has been referred to the 2017 Annual General Meeting by resolution of the Special General Meeting held on 17 May 2017. The original proposal clarifies that a person or entity continues to be a member as long as it has a current membership subscription.
03	Clause 14.1	Subject to any resolution passed by the Association in general meeting and the Industrial Relations Act 1996, the funds of the Association, (that is, its assets and income), shall be applied and used solely in furtherance and in the implementation of its above-mentioned objects, in such a manner as the executive Committee determines, and for no other object. shall be used to implement the object of the Association in such manner as the Executive Committee determines and for no other object. No part thereof shall be paid, distributed or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the members of the Association, except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.	This proposed amendment has been referred to the 2017 Annual General Meeting by resolution of the NSW Executive Committee in order to strengthen its legal compliance to the requirements expected of not-for-profit associations in accordance with the Incorporated Associations Act and the Australian Taxation Office. This text was drafted by Ms Belinda Kenneally, lawyer for the Australian Childcare Alliance NSW.
04	Clause 43.4(a)	must be approved by the Director General of the NSW Department of Finance, and Services & Innovation (or its successor(s));	This proposed amendment has been referred to the 2017 Annual General Meeting by resolution of the NSW Executive Committee in order to strengthen its legal compliance to the

**PROPOSED AMENDMENTS TO THE ACA NSW CONSTITUTION
(FOR 2017 ANNUAL GENERAL MEETING ON 15 NOVEMBER 2017)**

Item	Reference	Proposed Change	Proposed Rationale
			<p>requirements expected of not-for-profit associations in accordance with the Incorporated Associations Act and the Australian Taxation Office.</p> <p>This text was drafted by Ms Belinda Kenneally, lawyer for the Australian Childcare Alliance NSW.</p>
05	New Clause 43.4(b)	<p>shall, subject to clause 43.5, be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members;</p>	<p>This proposed amendment has been referred to the 2017 Annual General Meeting by resolution of the NSW Executive Committee in order to strengthen its legal compliance to the requirements expected of not-for-profit associations in accordance with the Incorporated Associations Act and the Australian Taxation Office.</p> <p>This text was drafted by Ms Belinda Kenneally, lawyer for the Australian Childcare Alliance NSW.</p>
06	Original Clauses 43.4(b) and 43.4(c)	<p>Should the proposed new Clause 43.4(b) (see above) be approved, then:</p> <ul style="list-style-type: none"> the original Clause 43.4(b) is to be renumbered as Clause 43.4(c); and the original Clause 43.4(c) is to be renumbered as Clause 43.4(d). 	<p>This proposed amendment has been referred to the 2017 Annual General Meeting by resolution of the NSW Executive Committee in order to strengthen its legal compliance to the requirements expected of not-for-profit associations in accordance with the Incorporated Associations Act and the Australian Taxation Office.</p> <p>This text was drafted by Ms Belinda Kenneally, lawyer for the Australian Childcare Alliance NSW.</p>

NOTE:

- ~~text~~ mean proposed deleted text.
- text mean proposed new text for inclusion.