



MOBILE ATTENDANT CARE SERVICE

2018 ANNUAL GENERAL MEETING – 1 December 2018

Notice of Special Resolution

Special Resolution:

That sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 16, 30, 31, 32, 46, & 47 of the MACS Constitution be amended or added as per the attached explanatory notes.

Background rationale:

At the start of 2018 MACS successfully registered as a charity with Deductible Gift Recipient (DGR) status, meaning that donations over \$2 to the association are tax deductible and the association can receive registered charity discounts on certain expenses such as vehicle registration and so on.

To keep our charity registration, MACS has been advised we need to update certain sections of our constitution. We also took this as an opportunity to review our constitution (also known as the model rules) to see if any other section needed to be updated, amended, or corrected.

The minor changes:

Many of the proposed amendments are quite minor. Some are correcting typos (for e.g. section 46 is being corrected from "June 31" to "June 30") or removing incomplete sentences that make no sense (such as section 3). Others, such as sections 5 & 6 and sections 10 & 11, are being combined for simplicity. Other sections, such as sections 30, 31, & 32 are being edited to remove clauses that are not relevant. As we are a level 1 association (turnover above \$100,000 p.a.) we don't need clauses 31 & 32 about what business level 2 & 3 associations have to conduct at AGMs.

We have also done other minor things like removed corporate membership (section 4, we've never had a corporate member) and combined or removed redundant clauses so the constitution will be 44 sections rather than 47.

The more significant changes:

Section 2 (an amendment): The wording of section 2 (objects of the association) has been expanded upon and clarified. The meaning and spirit of our objects remain the same, it's just described more clearly. The old objects simply stated *"To support people with a disability to live their chosen lifestyle in the community"*, the proposed new objects state:

2 Objects

The object of the association is to:

(a) Provide attendant care services for people with a permanent physical disability to enable them to live independently, and



- (b) Empower and support people with a permanent physical disability to lead the organisation and determine the direction of their own services.*

Section 16 (A new addition): The relevant part is clause 5 limiting the management committee to a maximum of 9. This is for practicality and is fairly common practice.

16 Membership of management committee

(1) The management committee of the association consists of a president, vice president, treasurer, secretary and any other members the association members elect at a general meeting.

(2) A member of the management committee, other than a secretary appointed by the management committee under rule 13(1)(b)(iii), must be a member of the association.

(3) At each annual general meeting of the association, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.

(4) A member of the association may be appointed to a casual vacancy on the management committee under rule 19.

(5) The number of members appointed to the Management Committee shall not exceed 9.

Section 44 (currently 47) - a new additional clause to section 44: This is so MACS complies with legislation around charity registration and deductible gift recipient status. The purpose of this clause is to prevent money raised for a charitable cause ending up in the hands of "for profit" entities.

44 Distribution of surplus assets to another entity or revocation of deductible gift recipient status

(5) 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 organisation with similar objects, and which is charitable at law, to which income tax deductible gifts can be made –

(a) gifts of money or property for the principal purpose of the organisation

(b) contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation

(c) money received by the organisation because of such gifts and contributions.

The details of all the amendments are with the attached explanatory note. Without these constitutional amendment MACS will not be able to remain a registered charity with deductible gift recipient status.

For this special resolution to pass it needs at least 75% approval. Please contact the MACS office if you want a complete copy of the existing constitution and the proposed new constitution.