



**The West Australian Association
of Teacher Assistants
Incorporated.**

Amended Constitution

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1.0 NAME

- 1.1 The organisation shall be called ‘The West Australian Association of Teacher Assistants Incorporated’.
- 1.2 All members of the Association shall be bound by this constitution.

2.0 DEFINITION

- 2.1 ‘Association’ means The West Australian Association of Teacher Assistants Incorporated.
- 2.2 ‘Member’ means any person qualified as such under the provisions of clause 6.
- 2.3 ‘By-Laws’ means the by-laws established pursuant to this Constitution.
- 2.4 ‘Honorary Member’ means any person recognised as having made a contribution to the Association may be nominated as per 6.3.1
- 2.5 Poll means voting conducted by a show of hands or in written form as referred in clause 11.1.5.3.
- 2.6 ‘Life Member’ means member of The West Australian Association of Teacher Assistants Incorporated for the term of their life.

3.0 OBJECTIVES

The objectives for which the Association is formed are:

- 3.1 To enhance the professional development of Teacher Assistants for the advancement of Education in all areas of education in Western Australia.
- 3.2 To create a network of Teacher Assistants which will foster educational thought and practice and set before itself and the community the ethics of high professional responsibility and peer support.
- 3.3 To organise and conduct regular meetings, workshops and conferences for the professional development of Teacher Assistants.

4.0 POWERS

The Association shall have the power to:

- 4.1 Carry out any one or more of the foregoing objectives independently or exclusively of the remainder of such objectives.
- 4.2 Do all lawful things as are incidental or conducive to the attainment of the above objectives.

5.0 FINANCIAL YEAR

The financial year of the Association shall commence on the 1st of July each year.

6.0 MEMBERSHIP

Membership shall be open to:

6.1 General members, from the following categories:

- 6.1.1 All Teacher Assistants / Education Assistants in Western Australia working in Government, Non- Government, Catholic and Independent Schools, District High Schools, Primary Schools, Pre-Schools, Kindergartens, Education Support Centres and Special Education Schools.
- 6.1.2 Early Childhood Educators (not Teachers) working in Day Care Centres, Early Childhood Education Centres, Before and After School Care facilities in Western Australia and retired Teacher Assistants not working in any other field.
- 6.1.3 Those professionals who work in the field of educating and training Education Assistants.

6.2 Life Members

- 6.2.1 Persons who have rendered long and valuable service to the Association and education may be considered for election to Life Membership of the Association.
- 6.2.2 Nominations for Life Membership shall be submitted to the Management Committee three (3) months prior to the Annual General Meeting.
- 6.2.3 A member may be elected as a Life Member only at the Annual General meeting by a majority of two-thirds of those personally present and entitled to vote.

6.3 Honorary Members

- 6.3.1 Nominations for Honorary Membership shall be submitted to the Management Committee one month prior to the Annual General Meeting.
- 6.3.2 A person may be elected as an Honorary Member only at an Annual General Meeting by a majority of two-thirds of those personally present and entitled to vote.

6.4 Register of Members

- 6.4.1 The Treasurer shall on behalf of the Association keep and maintain the register of members, and that register shall be so kept and maintained at his or her place of residence.
- 6.4.2 The Treasurer shall cause the name of a person who dies or who ceases to be a member under rule 8 to be deleted from the register of members referred to in sub rule 6.4.1.
- 6.4.3 The Secretary shall on behalf of the Association, keep and maintain the custody of records, books, documents and securities of the Association and be so kept and maintained at his or her place of residence.

7.0 ADMISSION OF MEMBERS

- 7.1 Any person who is eligible to become a member of the Association shall become a member of the Association upon payment of the annual subscription.
- 7.2 On becoming a financial member of The West Association of Teacher Assistants Inc. members will be provided with a copy of the constitution (rules) electronically via email.

8.0 WITHDRAWAL OF MEMBERSHIP

- 8.1 Any member shall resign from the Association by giving the Secretary written notice of resignation.
- 8.2 Membership may be withdrawn if a member brings the Association into disrepute; so as to maintain the professionalism and integrity of the Association.

9.0 SUBSCRIPTIONS

- 9.1 All annual subscriptions shall be due on the first day of January each year at a rate decided by the Annual General Meeting.

10.0 CONTROL OF ASSOCIATION

- 10.1 Overall control of the affairs and operation of the Association shall rest with Annual General Meetings.
- 10.2 Management and control of the affairs and operations of the Association between the dates of Annual General Meetings shall rest with the Management Committee.

- 10.3 Any member may at any reasonable time inspect without charge books, documents, records and securities of the Association.

11.0 MEETINGS

11.1 Annual General Meeting.

11.1.1 The Annual General Meeting of the Association shall be held during Annual Conference or at a time and place to be advised.

11.1.2 All members shall be entitled to attend Annual General Meetings but only those classified as Life and Financial Members shall be entitled to vote.

11.1.3 A quorum at the Annual General Meeting shall consist of a total of 15% of the Financial and Life Members of the Association. In the event of a quorum not being present within 30 minutes of the notified starting time the meeting shall be adjourned to a time and place to be decided by Management. Notice of such an adjournment shall be notified to members at least seven (7) days prior to the adjourned meeting being held. In the event of a quorum still not being present the business shall proceed in accordance with the original Agenda.

11.1.4 Notice of the date of the Annual General meeting shall be circulated to all members not less than twenty-one (21) days prior to that meeting.

11.1.5 Business to be transacted at the Annual General Meeting shall include:

11.1.5.1 To receive, confirm and amend where appropriate the minutes of the previous Annual General Meeting.

11.1.5.2 To receive the Annual Report and Audited Balance Sheet and Financial Statement for the previous year.

11.1.5.3 To receive and confirm the declaration of the Poll for the election of Officers of the Association.

11.1.5.4 To consider and if appropriate, to adopt (with or without modification) amendments to the Constitution of which due notice has been given.

11.1.5.5 To consider any notice of Motion which due notice has been given in accordance with the Constitution.

11.1.5.6 To approve the remuneration of the Reviewer for the previous year, in accordance with section 19.2.

11.2 General Meetings

Management committee meetings fall under this heading. These meetings are regularly held in accordance with section 12.4.

11.2.1 The Secretary shall give to all members not less than 14 days' notice of a general meeting and of any motions to be moved at that General Meeting.

11.2.2 A notice given under sub rule 11:2:1 shall specify:

- (a) Where and when the General Meeting concerned is to be held.
- (b) Particulars of the business to be transacted at the General Meeting and the order in which that business will be transacted.

11.3 Special General Meetings

These meetings are convened to deal with any pressing matters that may arise requiring a decision of the general membership.

11.3.1 The Secretary shall give to all members not less than 14 days' notice of a special general meeting and of any motions to be moved at that meeting.

11.3.2 A notice given under sub clause 11:3:1 shall specify:

- (a) Where and when the meeting concerned is to be held.
- (b) Particulars of the business to be transacted at the meeting and the order in which that business will be transacted.

11.3.3 The committee shall convene a Special General Meeting if at least 20% of the members require a Special General Meeting to be convened.

11.3.3.1 The members requiring a Special General Meeting to be convened must:

- (a) make the requirement by written notice given to the secretary; and
- (b) state in the notice the business to be considered at the meeting; and
- (c) each sign the notice.

11.3.3.2 The Special General Meeting must be convened within 28 days after notice is given under sub clause 11.3.3.1 (a).

11.3.3.3 If the committee does not convene a Special General Meeting within that 28 day period, the members making the requirement (or any of them) may convene the Special General Meeting.

11.3.3.4 A Special General Meeting convened by members under sub clause 11.3.3.3:

- (a) must be held within 3 months after the date the original requirement was made; and

(b) may only consider the business stated in the notice by which the requirement was made.

11.3.3.5 The Association must reimburse any reasonable expenses incurred by the members convening a Special General Meeting under sub clause 11.3.3.3.

12.0 MANAGEMENT COMMITTEE

12.1 Management Committee shall consist of:

Chairperson

Vice Chairperson

Secretary

Treasurer

and not less than five (5) and no more than sixteen (16) other officers.

12.2 Officers of the Management Committee shall carry out functional responsibilities which serve the needs of members.

12.3 The functional responsibilities, determined from time to time by the Present Management Committee, will form the basis for advertised positions on the incoming Management Committee to be filled by election across the membership.

12.4 The Management Committee shall meet as and when considered necessary but no less than twice per school term.

12.5 A quorum for Management Committee shall be seven (7) members of the Committee.

12.6 The Chairperson shall have a deliberative as well as a casting vote in the negative.

12.7 Minutes of Management Committee Meetings shall be circulated to Committee Members within fourteen (14) days of the meeting.

12.7.1 The minutes shall record the following:

(a) the names of the committee members present at the meeting;

(b) the name of any member or other person who is not a committee member who has been invited to attend a committee meeting;

(c) the business considered at the meeting;

(d) any motion on which a vote is taken at the meeting and the result of the vote.

12.7.2 The minutes must be securely saved within the Committee Meeting Minutes section of the Secretary's filing system.

12.7.3 The chairperson shall ensure that the minutes of a committee meeting are reviewed and signed as correct by:

- (a) the chairperson of the meeting; or
- (b) the chairperson of the next committee meeting.

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

- (e) the meeting to which the minutes relate was duly convened and held; and
- (f) the matters recorded as having taken place at the meeting took place as recorded; and
- (g) any appointment purportedly made at the meeting was validly made.

12.8 The Management Committee shall have the power to form such sub-committees for particular purposes as it shall see fit and for this purpose shall have the power to co-opt members to serve on such sub-committees, provided that at least one (1) member of the sub-committee is a member of the Management Committee. Such sub-committees shall have no power to commit the Association in any way.

13.0 EXECUTIVE COMMITTEE

13.1 The Executive Committee shall consist of:

Chairperson
Vice Chairperson
Secretary
Treasurer

13.2 The Executive Committee shall maintain the Association, overview the functional responsibilities of the management Committee and act as an 'Emergency' Committee.

13.3 The Executive Committee shall meet when and as considered necessary under the direction of the Chairperson.

13.4 Minutes of the Executive Committee Meeting to be circulated to Management Committee before the next Management Meeting.

13.5 Minutes of the Executive Committee Meeting shall be ratified by the Management Committee, and decisions so taken and endorsed form part of Management Committee decisions.

14.0 APPOINTMENT OF OFFICERS

- 14.1 The following shall not have the power to vote at meetings: Patron, Honorary Members, Legal Advisers and Auditors.
- 14.2 Appointment of Officers:
Each officer shall be elected at an Annual General Meeting of the Association and shall hold office until the Annual General Meeting of the following year, unless he or she resigns from that office or from the Association, or is deposed pursuant to sub clause 14.3
- 14.3 A Special General Meeting shall have the power to depose an Officer on the grounds that the said Officer has been derelict in his/her duties or that continuance in office would be adverse to the wellbeing of the Association. Such deposition shall be by a resolution carried out by at least 75% of those present and eligible to vote at a properly constituted Special General Meeting.

15.0 NOMINATIONS

- 15.1 Nominations for Management Committee shall close with the Secretary twenty-eight (28) days prior to the Annual General Meeting.
- 15.2 All nominations for positions defined in section 12:1 shall be in writing signed by the proposer and nominee.
- 15.3 Any vacancy for a Management Committee position not nominated as defined in sections 15:1 and 15:2 or elected as defined in section 16:1 to 16:3 can be nominated, proposed and elected by members present at the Annual General Meeting.

16.0 ELECTIONS

- 16.1 Election for Management Committee shall be declared at the Annual General Meeting.
- 16.2 Ballot to be held at Annual General Meeting. Postal votes will close two (2) days prior to Annual General Meeting.
- 16.3 Any vacancy of the Management Committee office shall be filled temporarily by the Management Committee. Such appointment will cease at the next Annual General Meeting where the vacancy will be filled by the declaration of a new ballot conducted in accordance with 16:1.

17.0 BY-LAWS

In order to facilitate the operations of the Association, By-Laws shall have the same force as this Constitution and shall be prepared and circulated. By-Laws shall be instigated and ratified at Management Committee level.

18.0 SERVING OF NOTICES

All notices required to be given by the Association shall be sufficiently served if forwarded in writing by the most expeditious means at the time, including electronic transfer, to the member's last known address. The time at which the notice was despatched and would be delivered in the ordinary course shall be considered to be the time at which the notice was received by the addressee.

19.0 FINANCE AND ACCOUNTS

19.1 All monies received shall be banked in the name of the Association. Payments for items other than of a petty cash nature shall be made by generally accepted payment methods authorised by any two (2) of the Chairperson, Secretary or Treasurer. All payments shall be approved by the Management Committee and recorded in the minutes.

19.2 The Treasurers Books of Accounts shall be 'Reviewed' annually by the Association Auditors, unless otherwise directed by the Associations Incorporation Act 2015

19.3 Payments to committee members

Subject to approval by the Management Committee, a committee member may be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation properly incurred -

- (a) in attending a committee meeting or
- (b) in attending a general meeting; or
- (c) otherwise in connection with the Association's business.

"Committee member" includes a member of a subcommittee;

"Committee meeting" includes a meeting of a subcommittee.

Committee approval should be sought and obtained prior to any such payment, however it may also be obtained after such payment, at the next following committee meeting.

20.0 DISPUTE RESOLUTION

20.1 Parties to disputes

The procedure set out in this clause applies to disputes:

- (a) between members; or
- (b) between one or more members and the Association.

20.2 Early attempts at resolution

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

20.3 Commencement of grievance procedure

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by clause 20.2, any party to the dispute may start the grievance procedure by giving written notice to the secretary of:

- (a) the parties to the dispute; and
- (b) the matters that are the subject of the dispute.

(2) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.

(3) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.

(4) The notice given to each party to the dispute must state:

- (a) when and where the committee meeting is to be held; and
- (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.

(5) If:

- (a) the dispute is between one or more members and the Association; and
- (b) any party to the dispute gives written notice to the secretary stating that the party:
 - (i) does not agree to the dispute being determined by the committee; and
 - (ii) requests the appointment of a mediator under clause 20.5,the committee must not determine the dispute.

20.4 Determination of dispute by committee

(1) At the committee meeting at which a dispute is to be considered and determined, the committee must:

- (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
- (b) give due consideration to any submissions so made; and

(c) determine the dispute.

(2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.

(3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under clause 20.4(1)(c), give written notice to the secretary requesting the appointment of a mediator under clause 20.5.

(4) If notice is given under clause 20.4 (3), each party to the dispute is a party to the mediation.

20.5 Mediation

(1) This Clause applies if written notice has been given to the secretary requesting the appointment of a mediator by a party to a dispute under clauses 20.3(5)(b)(ii) or 20.4(3).

(2) If this Clause applies, a mediator must be chosen or appointed under clause 20.5.1

20.5.1 Appointment of mediator

(1) The mediator must be a person chosen:

(a) if the appointment of a mediator was requested by a Member who is a party to a dispute: by agreement between the Member and the committee; or

(b) if the appointment of a mediator was requested by a party to a dispute under clause 20.3(5)(b)(ii) or 20.4(3): by agreement between the parties to the dispute.

(2) If there is no agreement for the purposes of clause 20.5.1(1)(a) or (b), then, subject to clauses 20.5.1(3) and (4), the committee must appoint the mediator.

(3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by:

(a) a party to a dispute under clause 20.3(5)(b)(ii); or

(b) a party to a dispute under clause 20.4(3) and the dispute is between one or more members and the Association.

- (4) The person appointed as mediator by the committee may be a member or former member of the Association but must not:
 - (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

20.5.2 Mediation process

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must:
 - (a) give each party to the mediation every opportunity to be heard; and
 - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

21.0 CHANGES IN THE CONSTITUTION

This constitution shall be changed by at least three quarters majority of the financial members present and voting at the Annual General Meeting provided a notice of motion of the amendment has been given in writing signed by a mover and seconder to the Secretary ten (10) days prior to the said Annual General Meeting.

22.0 COMMON SEAL

The Association shall have a common seal which shall remain in the custody of the Secretary. The common seal shall only be affixed to a deed, instrument or other document by resolution of the management Committee and then only in the presence of either the Chairperson or Vice Chairperson and the Secretary and bear their signatures.

23.0 INCOME AND PROPERTY

The income and property of the Association shall be applied solely to the promotion of its objectives and no part thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise of pecuniary profit to the members, provided that remuneration may be paid in good faith to employees of the Association or other persons in return for services rendered to or expenses incurred on behalf of the Association.

24.0 DISSOLUTION

24.1 A Special General Meeting called for the purpose of dissolving the Association may, by a three quarters majority of the members present and entitled to vote, resolve to dissolve the Association.

24.2 If upon the dissolution or winding up of the Association there remains, after the satisfaction of all its debts and liabilities, any property whatsoever the same shall not be paid to or distributed among the members of the Association but shall be distributed as follows:

- (a) To another incorporated association having objects similar to those of the Association; or
- (b) For charitable purposes, which incorporate association or purpose, as the case requires shall be determined by resolution of the members when authorising and directing the Committee to prepare a distribution plan for the distribution of the surplus property of the Association.