



**COUNCIL OF CHRISTIANS AND JEWS
WESTERN AUSTRALIA Inc.**

PO Box 1469
BOORAGOON WA 6954

In accordance with section 200 of the Associations Incorporation Act 2015 (WA), the Constitution of the Council of Christians and Jews Western Australia (amended 2009) was amended by the Executive Committee in May 2019 by means of a Motion as follows:

1. By the deletion of paragraph 2 thereof and the substitution of:

“Definitions

2. In these rules, unless the contrary intention appears:
 - ‘Committee meeting’ means meeting referred to in rule 29 (1);
 - ‘Committee member’ means person referred to in paragraph (a), (b), (c), (d), (e), (f), or (g) of rule 24(1);
 - ‘financial year’ has the meaning given by Schedule 1 Division 2 subclause (4) of the Act;
 - ‘general meeting’ means meeting convened under rule 32;
 - ‘member’ means member of the Council;
 - ‘ordinary resolution’ means resolution other than a special resolution;
 - ‘special resolution’ has the meaning given by section 51 of the Act;
 - ‘the Act’ means the *Associations Incorporation Act 2015 (WA)* or any statutory modification, amendment or re-enactment thereof for the time being in force;
 - ‘the Council’ means the Association referred to in rule 1;
 - ‘the Chairperson’ means:
 - (a) in relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Executive Committee meeting or general meeting in accordance with rule 25; or
 - (c) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in rule 24 (1) (a) or, if that person is unable to perform his or her functions, the Vice-Chairperson;
 - ‘the Committee’ means the Executive Committee of the Council referred to in rule 25 (1);
 - ‘the Secretary’ means the Secretary referred to in rule 25 (1) (c);
 - ‘the Treasurer’ means the Treasurer referred to in rule 25 (1) (d);
 - ‘the Vice-Chairperson’ means the Vice-Chairperson referred to in rule 25 (1) (b).”

2. By the insertion after Rule 2 of the following rule:

“Financial Year

3. The financial year of the Association is to be the period 1 January to 31 December of the same calendar year.

3. By the insertion after Rule 4 of the following rule:

“Not for profit body income and property

6. The property and income of the Council shall be applied solely to or towards the promotion of the objects or purposes of the Council and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member except in good faith in the promotion of those objects or purposes by way of dividend, bonus or otherwise by way of pecuniary profit to the Members, but nothing herein prevents:
 - (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Council, or for goods supplied to the Council, in the ordinary course of business; or
 - (b) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Council.”

4. By the deletion of Rule 9 and the substitution of:

“Disciplinary action, disputes and mediation

In this Part — ‘member’, in relation to a member who is expelled from the Council, includes former member.

Division 1 — Disciplinary action

Suspension or expulsion

- 11.** (1) The Committee may decide to suspend a member’s membership or to expel a member from the Council if —
- (a) the member contravenes any of these rules; or
 - (b) the member acts detrimentally to the interests of the Council.
- (2) The Secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the Committee meeting at which the proposal is to be considered by the Committee.
- (3) The notice given to the member must state —
- (a) when and where the Committee meeting is to be held; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member’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 proposed suspension or expulsion.
- (4) At the Committee meeting, the Committee must —
- (a) give the member, or the member’s representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the Committee about the proposed suspension or expulsion; and
 - (b) give due consideration to any submissions so made; and
 - (c) decide —
 - (i) whether or not to suspend the member’s membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Council.
- (5) A decision of the Committee to suspend the member’s membership or to expel the member from the Council takes immediate effect.
- (6) The Committee must give the member written notice of the Committee’s decision, and the reasons for the decision, within 7 days after the Committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Council may, within 14 days after receiving notice of the Committee’s decision under subrule (6), give written notice to the Secretary requesting the appointment of a mediator under rule 19.
- (8) If notice is given under subrule (7), the member who gives the notice and the Committee are the parties to the mediation.

Consequences of suspension

- 12.** (1) During the period a member’s membership is suspended, the member —
- (a) loses any rights (including voting rights) arising as a result of membership; and
 - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Council.
- (2) When a member’s membership is suspended, the Secretary must record in the register of members —
- (a) that the member’s membership is suspended; and
 - (b) the date on which the suspension takes effect; and
 - (c) the period of the suspension.
- (3) When the period of the suspension ends, the Secretary must record in the register of members that the member’s membership is no longer suspended.

Division 2 — Resolving disputes

13. Terms used

In this Division —

In the rules for managing the resolution of disputes

‘grievance procedure’ means the procedures set out in this Division;

‘party to a dispute’ includes a person —

- (a) who is a party to the dispute; and
- (b) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

Application of Division

14. The procedure set out in this Division (the grievance procedure) applies to disputes —

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

Parties to attempt to resolve dispute

15. 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.

How grievance procedure is started

16. (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 15, 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 Council; 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 rule 19,the Committee must not determine the dispute.

Determination of dispute by Committee

17. (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 subrule (1)(c), give written notice to the Secretary requesting the appointment of a mediator under rule 19.

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

Division 3 — Mediation

Application of Division

- 18.** (1) This Division applies if written notice has been given to the Secretary requesting the appointment of a mediator —
- (a) by a member under rule 11(7); or
 - (b) by a party to a dispute under rule 16(5)(b)(ii) or 17(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 19.

Appointment of mediator

- 19.** (1) The mediator must be a person chosen —
- (a) if the appointment of a mediator was requested by a member under rule 11(7) — 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 rule 16(5)(b)(ii) or 17(3) — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of subrule (1)(a) or (b), then, subject to subrules (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 member under rule 11(7); or
 - (b) a party to a dispute under rule 16(5)(b)(ii); or
 - (c) a party to a dispute under rule 17(3) and the dispute is between one or more members and the Council.
- (4) The person appointed as mediator by the Committee may be a member or former member of the Council 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.

Mediation process

- 20.** (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.
- (7) If the dispute cannot be resolved by mediation under this rule, then —
- (a) the Council; or
 - (b) a member of the Council involved in the dispute, may make an application to the State Administrative Tribunal to have the dispute determined by that Tribunal.

If mediation results in decision to suspend or expel being revoked

- 21.** If —
- (a) mediation takes place because a member whose membership is suspended or who is expelled from the Council gives notice under rule 11(7); and

(b) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,
that revocation does not affect the validity of any decision made at a Committee meeting or general meeting during the period of suspension or expulsion."

5. In Rule 20:-

- a. in subrule (1)(c)(i), by the deletion of "not less than 15 members" and the substitution of "at least 20% of the members"; and
- b. by the deletion of subrules (9) and (10) and the substitution of the following subrules:

"(9) Notice of all meetings may be given by posting to the address in the Register or may be given by any other means which the Executive Committee may decide.

(10) Any notice sent by post shall be deemed to have been received at the expiration of forty-eight hours/two delivery days from 6pm after the same has been posted."

6. By the renumbering of the rules in the left column below with the numbering indicated in the right column below:

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7. That all cross-references within all rules to other rules be re-numbered according to the above amendments

8. That all references to sections of the *Associations Incorporation Act 1987* be amended to refer to corresponding sections of the *Associations Incorporation Act 2015*.