**DRAFT: Why the Committee of the Downer Community Association wants to change its constitution**

The Downer Community Association’s constitution needs to be updated, to meet new governance requirements that have come into effect in the Associations Incorporation Act.

The current constitution is twenty years old, and includes outdated provisions such as references to the now defunct Downer Jump Track.

The Committee believes that it will be simpler to adopt a new constitution, rather than to amend the existing constitution.

The new draft constitution is based on the [Model Rules](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/act/consol_reg/air1991398/sch1.html) of the [Associations Incorporation Regulation](https://www.legislation.act.gov.au/sl/1991-31/).

We have amended the Model Rules, to:

* more closely match corresponding provisions in the existing constitution, where relevant;
* ensure that they comply with the current version of the Associations Incorporation Act, including:
	+ [Section 29](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s29.html): Objects
	+ [Section 30](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s30.html): Alteration of objects
	+ [Section 35](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s35.html): Copies of documents for members
	+ [Section 35A](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s35a.html): Committee may refuse access to documents
	+ [Section 50](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s50.html): Rules of natural justice
	+ [Section 54](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/act/consol_act/aia1991307/s54.html): Disposal of trust property
	+ [Section 59](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s59.html) Notice of public officer's appointment or change of address
	+ [Section 62](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s62.html): Notice of changes in committee
	+ [Section 63](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s63.html) Disqualification from office––convictions or bankruptcy
	+ [Section 63A](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s63a.html): Disqualification from office––noncompliance with Act
	+ [Section 63B](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s63b.html): Dispute resolution procedure
	+ [Section 65C](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/act/consol_act/aia1991307/s65c.html): Disciplinary action
	+ [Section 73](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s73.html) Presentation of statement to members
	+ [Section 79](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s79.html): Annual returns
	+ [Section 114](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s114.html): Investment with associations
	+ [Section 120](http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/aia1991307/s120.html): Extensions of time for applications etc
* allow the Committee to make out of session Committee decisions by email, using wording based on Rule 97 of the [constitution](https://www.northcanberra.org.au/wp-content/uploads/2021/09/NCCC-Constitution-August-2021.pdf) of the North Canberra Community Council.

In several places the draft Rules state that the Association must comply with specific parts of the legislation, rather than including those rules in the constitution. We have done that to avoid the risk that changes to the legislation could render our Rules obsolete.

We also use “*Rule*” to apply to a Rule of the DCA constitution, and “*Section*” to apply to a Section of a government Act or Regulation.