



Western Australia

Community Services Act 1972 2

## **Community Welfare Organizations Regulations 1980**

These regulations were repealed by the *Children and Community Services Act 2004* s. 250(2)(d) as at 1 Mar 2006 (see *Gazette* 14 Feb 2006 p. 695).

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Western Australia

# Community Welfare Organizations Regulations 1980

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**Defined terms**

Western Australia

Community Services Act 1972<sup>2</sup>

## **Community Welfare Organizations Regulations 1980**

### **1. Citation**

These regulations may be cited as the *Community Welfare Organizations Regulations 1980*<sup>1</sup>.

### **2. Application**

These regulations shall apply to any board, committee or council established by the Governor pursuant to section 22 of the Act to the extent set out in and subject to the terms of the Order in Council establishing the board, committee or council or any Order altering or varying that Order.

### **3. Interpretation**

In these regulations, unless the context requires otherwise —

“**committee**” means a board, committee or council established under section 22 of the Act;

“**member**” means a member of a committee and includes where one has been appointed a deputy member acting in the absence of a member;

“**the Act**” means the *Community Services Act 1972*<sup>2</sup>;

“**the Auditor**” includes the Auditor-General where the accounts are audited by the Auditor-General.

**4. Appointment of representatives of organizations**

- (1) Where in an Order in Council establishing a committee provision is made for a member or members to represent an organization, the Minister shall, prior to the first occasion on which appointments are to be made to the offices of member, and on each occasion thereafter when such an office becomes vacant, in writing, request the organization entitled to be represented to submit to him a panel containing the names of persons (being a number not fewer than 3 times the number of offices to be filled) willing to act as members of the committee.
- (2) Where an organization has been requested, pursuant to subregulation (1) to submit a panel of names to the Minister, the Minister —
  - (a) shall, where such a panel is submitted to him within 30 days of the organization receiving the request, nominate for appointment to the office of member any one or more (as the case requires) of the persons whose names appear on the panel; and
  - (b) may, if default is made and a panel is not submitted to him within that time or the panel submitted contains the name of a person to whom subregulation (3) applies, nominate for appointment to the office of member such person as he thinks fit.
- (3) The Minister shall not be obliged to appoint as a member a person —
  - (a) convicted of an indictable offence or an offence of which misappropriation of property or assault on a child is an element;
  - (b) who is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy; or
  - (c) incapable of performing the duties of a member because of physical or mental incapacity.

**5. Deputy members**

- (1) The Minister may appoint as deputy of a member a person who would be eligible for appointment to the office of member and who, in the case of nominated members, has been nominated as a deputy member in the manner in which the member was nominated.
- (2) A person appointed as a deputy is, in the event of the absence from a meeting of the committee of the member of whom he is the deputy, entitled to attend that meeting and, when so attending has all the powers, functions and duties of a member.

**6. Leave of absence**

The Minister may grant leave of absence to a member for a period of not more than 6 months.

**7. Office can become vacant**

If a member —

- (a) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (b) becomes permanently incapable of performing his duties as a member;
- (c) absents himself, except on leave duly granted by the Minister from 3 consecutive meetings of the committee which he is entitled to attend,

the office of that member becomes vacant.

**8. Minister may appoint to vacant office**

Where the office of a member has become vacant otherwise than by effluxion of time, the Minister may appoint to the vacant office for the unexpired part of the term a person who is eligible for appointment to that office and where the member

was nominated by an organization, then a person who has been nominated in the manner in which the member was nominated.

**9. Officers of the committee**

- (1) The officers of the committee shall be —
  - (a) a Chairman;
  - (b) a Treasurer; and
  - (c) a Secretary who may be an employee of the committee,and unless appointed by Order in Council pursuant to section 22 of the Act the officers shall be elected at the annual general meeting.
- (2) Each elected officer of the committee shall hold office until the annual general meeting next after the date of his election and is eligible for re-election.
- (3) In the event of a casual vacancy in any elected office referred to in subregulation (1), the committee may appoint one of its members to the vacant office, and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his appointment.

**10. Income and property of committee**

- (1) Any income or property of the committee, however derived, shall be applied solely towards the promotion of the objects and purposes of the committee and subject to subregulation (2) no portion thereof shall be paid or transferred, directly or indirectly, to any member of the committee.
- (2) Nothing in this regulation prevents the payment to an employee who is a member of the committee of remuneration in return for service rendered to the committee or for goods or services supplied to the committee in the ordinary course of business.

**11. Accounts**

- (1) True accounts shall be kept —
  - (a) of all sums of money received and expended by the committee and the matter in respect of which the receipt or expenditure takes place; and
  - (b) of the property, credits, and liabilities of the committee,and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the committee for the time being, those accounts shall be open to the inspection of any person authorised by the Minister.
- (2) The Treasurer of the committee shall faithfully keep all general records, accounting books, and records of receipts and expenditure connected with the operations and business of the committee in such form and manner as the committee may direct.
- (3) The accounts, books, and records referred to in subregulations (1) and (2) shall be kept at the committee's office or at such other place as the committee may decide.

**12. Banking and finance**

- (1) The Treasurer of the committee shall, on behalf of the committee, receive all moneys paid to the committee and issue receipts therefor.
- (2) The committee shall cause to be opened with such bank as the committee selects a banking account in the name of the committee into which all moneys received shall be paid by the Treasurer as soon as possible after receipt thereof.
- (3) Except with the authority of the committee, no payment of a sum exceeding \$50 shall be made from the funds of the committee otherwise than by cheque drawn on the committee's bank account, but the committee may provide the Treasurer with a sum to meet urgent expenditure, subject to the observance of

such conditions in relation to the use and expenditure thereof as the committee may impose.

- (4) No cheques shall be drawn on the committee's bank account except for the payment of expenditure that has been authorised by the committee.
- (5) All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by at least 2 members of the committee one of whom shall be either the Secretary or the Treasurer.

**13. Auditor**

- (1) Unless the Minister has arranged for the Auditor-General to audit the accounts, at each annual general meeting of the committee the members present shall appoint a person as the Auditor of the committee.
- (2) A person so appointed shall hold office until the annual general meeting next after that at which he is appointed, and shall be eligible for re-appointment.
- (3) The first Auditor of the committee may be appointed by the committee before the first annual general meeting, and, if so appointed, shall hold office until the first annual general meeting, unless previously removed by a resolution of the members at a general meeting, in which case the members at that meeting may appoint an Auditor to act until the first annual general meeting.
- (4) If an appointment is not made at an annual general meeting the committee shall appoint an Auditor of the committee for the then current financial year of the committee.
- (5) Except as provided in subregulation (3), the Auditor may only be removed from office by a special resolution of not less than three-fourths of the members present at a general meeting.
- (6) If a casual vacancy occurs in the office of Auditor during the course of a financial year of the committee, the committee may

appoint a person as the Auditor and the person so appointed shall hold office until the next succeeding annual general meeting.

**14. Audit of accounts**

- (1) The accounts of the committee shall be the subject of an annual audit.
- (2) The Auditor shall report on the accounts of the committee to the members present at the annual general meeting.
- (3) In his report, the Auditor shall state —
  - (a) whether he has obtained the information required by him;
  - (b) whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and fair view of the financial position of the committee according to the information at his disposal and the explanations given to him and as shown by the books of the committee; and
  - (c) whether the regulations relating to the administration of the funds of the committee have been observed.
- (4) The Secretary of the committee shall cause to be delivered to the Auditor a list of all the accounts, books, and records of the committee.
- (5) The Auditor —
  - (a) has a right of access to the accounts, books, records, vouchers, and documents of the committee;
  - (b) may require from the servants of the committee such information and explanations as may be necessary for the performance of his duties as Auditor;
  - (c) may employ persons to assist him in investigating the accounts of the committee; and

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- (d) may, in relation to the accounts of the committee, examine any member of the committee or any servant of the committee.
- (6) A copy of the Auditor's report shall be served by the Secretary on the Minister within 21 days of the annual general meeting.

**15. Annual general meeting**

- (1) The committee shall, in each year, hold an annual general meeting.
- (2) The annual general meeting shall be held on such day (being not later than 3 months after the close of the financial year of the committee) as the committee may determine.
- (3) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.
- (4) The annual general meeting shall be specified as such in the notice convening it.
- (5) The ordinary business of the annual general meeting shall be —
  - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive from the Chairman, Auditor, and servants of the committee reports upon the transactions of the committee during the last preceding financial year;
  - (c) to elect such officers of the committee as have not been previously appointed by Order in Council;
  - (d) to appoint the Auditor and determine his remuneration; and
  - (e) to determine the remuneration of servants of the committee.
- (6) The annual general meeting may transact special business of which notice is given.

- (7) A copy of the minutes of the annual general meeting and the accounts and reports received shall be served by the Secretary on the Minister within 21 days of the meeting.

**16. Duties of the Secretary**

The responsibilities of the Secretary shall include the following matters:

- (a) serving notices of, making arrangements and preparing agenda for, and taking the minutes of all meetings;
- (b) the correspondence of the committee;
- (c) preparing a draft of the annual report of the committee to the Minister;
- (d) such other matters as the committee delegates to him.

**17. Meetings of the committee and of sub-committees**

- (1) The committee shall meet at least once every 2 months at such place and at such times as the committee may determine.
- (2) Notice of each committee meeting shall be given to each member of the committee in writing.
- (3) Special meetings of the committee may be convened by the Chairman, or any 4 of its members.
- (4) Notice shall be given to members of the committee of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.
- (5) Any 4 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the

following week unless the meeting was a special meeting, in which case it lapses.

- (7) At meetings of the committee the Chairman or in his absence his deputy or where no deputy has been appointed or is himself absent such one of the remaining members of the committee as may be chosen by the members present, shall preside.
- (8) Questions arising at meetings of the committee or any sub-committee appointed by the committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- (9) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (10) The committee shall cause minutes to be made —
  - (a) of the names of members of the committee present at all meetings of the committee;
  - (b) of all appointments of officers and employees;
  - (c) of all proceedings at all meetings of the committee,

and the minutes shall be confirmed by resolution of the members at the next meeting of the committee.

**18. Disclosure of interest in contracts, etc.**

- (1) A member of the committee who is interested in any contract or arrangement made or proposed to be made with the committee shall disclose his interest at the first meeting of the committee at which the contract or arrangement is first taken into consideration, if his interest then exists, or, in any other case, at the first meeting of the committee after the acquisition of his interest.

- (2) If a member of the committee becomes interested in a contract or arrangement after it is made or entered into he shall disclose his interest at the first meeting of the committee after he becomes so interested.

**19. Sub-committees and executive committee**

- (1) The committee may at any time appoint a sub-committee from the committee as it may think fit, for the purpose of advising the committee on any matter, and shall prescribe the advisory functions thereof.
- (2) The committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not those persons are members of the committee, but a person so co-opted is not entitled to vote.
- (3) Two appointed members of a sub-committee constitute a quorum at a meeting of the sub-committee.
- (4) The Secretary of the committee is responsible for calling meetings of a sub-committee.
- (5) The Chairman, the Treasurer, and the Secretary constitute an executive committee, which may issue instructions to the servants of the committee in matters of urgency connected with the management of the affairs of the committee during the intervals between meetings of the committee, and where any such instructions are issued shall report thereon to the next meeting of the committee.

**20. Financial year**

The financial year of the committee is the period beginning on 1 July in each year and ending on 30 June next following.

**21. Notices**

A notice may be served by or on behalf of the committee upon any member either personally or by sending it through the post

in a prepaid letter addressed to the member at his usual or last-known place of abode.

**22. Expulsion of members**

- (1) Subject to this regulation, the committee may recommend to the Minister that the Minister terminate the appointment of a member if, in the opinion of the committee the member has been guilty of conduct detrimental to the interests of the committee.
- (2) Where the committee recommends to the Minister that the appointment of a member be terminated, the Secretary of the committee shall, without undue delay, cause to be served on the member a notice in writing —
  - (a) stating that the committee has made a recommendation to the Minister;
  - (b) specifying the grounds for the recommendation; and
  - (c) informing the member that if he so desires he may, within 14 days after the service of the notice on him, inform the Minister of his objections to the recommendation.
- (3) On receiving a recommendation from the committee the Minister may terminate the appointment of a member or take such other action he thinks fit.

**23. Inspection of premises**

The Minister or any person specifically authorised by him shall have the right at any reasonable time to enter, visit, and inspect any premises on which the committee carries on activities.

**24. Instruction to staff**

Where the committee has appointed a manager or other person to manage a facility or administer an activity no individual member of the committee other than the Chairman shall interfere with the management of the facility or the

administration of the activity and where instructions are necessary between meetings of the committee they shall be provided by the Chairman or the Executive Committee.

**25. Seal of the committee**

- (1) The seal of the committee shall be in the form of a rubber stamp, inscribed with the name of the committee encircling the word "Seal".
- (2) The seal of the committee shall not be affixed to any instrument except by the authority of the committee, and the affixing thereof shall be attested by the signatures either of 2 members of the committee or of one member of the committee and of the Secretary of the committee or such other person as the committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee.
- (3) The seal shall remain in the custody of the Secretary.

**Notes**

<sup>1</sup> This is a compilation of the *Community Welfare Organizations Regulations 1980* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Community Welfare Organizations Regulations 1980</i>	28 Nov 1980 p. 4029-34	28 Nov 1980
<b>Reprint 1: The <i>Community Welfare Organizations Regulations 1980</i> as at 28 Nov 2003</b>		
<b>These regulations were repealed by the <i>Children and Community Services Act 2004</i> s. 250(2)(d) as at 1 Mar 2006 (see <i>Gazette</i> 14 Feb 2006 p. 695)</b>		

<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnote referred to in the table.

**Provisions that have not come into operation**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Children and Community Services Act 2004</i> s. 250(2)(d) <sup>3</sup>	34 of 2004	20 Oct 2004	To be proclaimed (see s. 2)

<sup>2</sup> Formerly referred to the *Community Welfare Act 1972* the short title of which was changed to the *Community Services Act 1972* by the *Acts Amendment (Department of Community Services) Act 1984* s. 5. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

<sup>3</sup> On the date as at which this compilation was prepared, the *Children and Community Services Act 2004* s. 250(2)(d) had not come into operation. It reads as follows:

“

**250. Repeal, transitional and savings provisions**

(2) The following regulations are repealed —

.....  
(d) the *Community Welfare Organizations Regulations 1980*;

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Defined terms

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
committee .....	3
member .....	3
the Act.....	3
the Auditor .....	3