

Information Statement: Constitution Adoption

Background

The Constitution is a guiding document that outlines the rules and process for how Occupational Therapy Australia (OTA) structures our governance, for example the Board and committees and importantly the eligibility for membership and member rights. The Constitution determines our financial and legal structure and ensures that OTA as an association maintains our compliance and legal obligations.

During 2024, OTA has commenced a significant Governance Review commencing with the Constitution. OTA has engaged a legal firm Governology to support the Constitutional Review process with the aim that it is presented to members at the November AGM 2024 for special resolution member vote.

How have members been involved?

Over the past 6 months members have been informed and involved in the development of the Constitution. Initially a briefing paper with the major proposed changes was circulated, followed by a draft version supported with two rounds of member information webinar sessions. During consultation phases, members were also invited to submit written feedback. This consultation and feedback have been invaluable in shaping the Constitution and we thank members for their participation, considered and thoughtful feedback and contribution.

What is being proposed?

At the AGM, a resolution is being proposed for a member vote.

Agenda item 8: Adoption of New Constitution To consider and if thought fit pass the following as a special resolution:

'That the Constitution tabled at the Annual General Meeting and initialled by the chair of the Annual General Meeting for the purposes of identification (a copy of which has been circulated to Members) be adopted as the Constitution of Occupational Therapy Australia Limited in place of the current Constitution, with effect from the close of the meeting or any adjournment of it.'

Why it is in the interests of OTA?

Our last Constitution was passed in 2016 - nearly 8 years ago. A lot has changed in that time, including legislation around associations, the association sector itself and the allied health sector, it is good practice to review the Constitution to make sure it is supporting the association and meeting our needs now and into the future.

Useful information

In regards to 3.1 Purpose of the Company, it may be helpful to know that the terminology "advance education" is a legal requirement to ensure OTA maintains charitable deductible gift recipient (DGR) status. However, the spirit in which we also intend to "advance education" should also be seen as knowledge sharing and informing our wider audience, consumers, policy makers and industry parties the value of occupational therapy.

What happens next?

Transition rules outlined in the new Constitution will inform and guide the change from old Constitution to new. The Governance Review will then continue with developing By-laws, Board Charter and other documents to support contemporary best practice.

October 2024