

LDA Annual General Meeting October 22, 2022



Resolution:

That the Constitution of Learning Difficulties Australia (LDA) be amended according to the changes as advised by MV Law for the purposes of seeking Deductible Gift Recipient (DGR) status from the Australian Charities and Not-for-profits Commission (ACNC) and Australian Tax Office (ATO).

Moved: Geoff Ongley, Seconded: Iain Rothwell

Background

LDA intends to apply to the Australian Charities and Not-for-profits Commission ('ACNC') to become a Registered Public Benevolent Institution in order to seek Deductible Gift Recipient Status with the ATO.

In order to do so, constitutional changes per the advice of MV Law have been drafted and now require review and approval before the association can proceed to next steps with the ACNC.

We invite you to review and consider the entire document for full context and understanding prior to voting on this resolution. However, we would like to draw your attention to the following key changes, which have been drafted, as the first step toward seeking DGR status:

(1) Clarifications/corrections addressed in this draft:

- (a) Section 1 has added and/or clarified definitions for the wider document; and
- (b) Section 6 has a minor correction to remove the words 'natural persons', and changed to 'person' in line with language in s 2.2 (b), which clarifies we also allow institutional members; and
- (c) 21.2 respectively where the wording was awkward, it has been re-written, but is functionally the same.

(2) Section 5.4 has been added. This sub-section helps clarify our purpose as to how we help children with learning difficulties, in order to help position LDA appropriately for the next next steps regarding obtaining DGR status from the ACNC, and the ATO. In particular this aims to assist to clarify our eligibility for DGR status, by having the ACNC define LDA as a Registered Public Benevolent Institution ('PBI').

(3) An addition of sections 35 and 36, which address what would happen in the event of LDA being wound up, for any reason. We understand this in particular is critical to obtaining DGR status.

Note:

Notice of the proposed changes to the LDA Constitution was circulated to members on September 30, 2022 with the full revised Constitution provided to members on October 8, 2022. A digital copy of the revised Constitution is available on the webpage that contains all the documents for the AGM.