

Wedderburn Community House Inc.

Certificate of Registration
A0022499K

Constitution
September 2013

24 Wilson Street
Wedderburn 3

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1. Name

- 1.1. The name of the incorporated association is the “Wedderburn Community House Incorporated” (WCH).

2. Purpose

- 2.1. The purpose of the WCH is to:
 - 2.1.1. facilitate self-help and mutual support amongst all interested members of the associated community; and
 - 2.1.2. actively reduce social isolation within the associated community; and
 - 2.1.3. provide assistance to low income persons/families in the communities to access essential needs; and
 - 2.1.4. develop and provide a resource and information centre; and
 - 2.1.5. develop recreational and social activities for all groups in the associated Community; and
 - 2.1.6. provide services which will meet the immediate needs of individuals and families; and
 - 2.1.7. provide opportunities for the development of basic skills for living; and
 - 2.1.8. provide Adult education, training and professional development as required within the communities associated with the WCH.
- 2.2. In addition, solely for the purpose of carrying out the foregoing purposes, the Board of Management of the WCH (Board) shall have the powers to:
 - 2.2.1. ensure that the day-to-day administration requirements of the WCH is identified and delegated to appropriate staff; and
 - 2.2.2. appoint such staff or consultant on terms as it may determine; and
 - 2.2.3. approve the purchase, lease or other acquisition of any property to be used for the above purposes and to sell, improve, manage, develop, lease, mortgage, dispose of or otherwise deal with all or any property of the project; and
 - 2.2.4. approve the purchase, hire or lease of assets and to ensure the maintenance of the assets register; and
 - 2.2.5. receive and act upon reports and recommendations of the Coordinator.

3. Membership

- 3.1. Membership of the WCH shall be open to all interested members of the associated community.
- 3.2. An annual subscription as determined by the Board in any year shall apply and is payable at the beginning of WCH’s financial year.

4. Register of Members

- 4.1. A register of members in which shall be entered the full name; address and date of entry of each member shall be maintained.
- 4.2. The register shall be made available for inspection by members of WCH, subject to clause 22.2.

5. General rights of members

- 5.1. A member of the WCH who is entitled to vote has the right to:
 - 5.1.1. receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by the Constitution; and
 - 5.1.2. submit items of business for consideration at a general meeting; and
 - 5.1.3. attend and be heard at general meetings; and
 - 5.1.4. vote at a general meeting; and
 - 5.1.5. have access to the minutes of general meetings and other documents of the WCH as provided under rule 22; and
 - 5.1.6. inspect the register of members, subject to clause 22.2.
- 5.2. A member is entitled to vote if:
 - 5.2.1. The member is a member other than an associate member; and
 - 5.2.2. More than ten business days have passed since he or she became a member of the WCH; and
 - 5.2.3. The member's membership rights are not suspended for any reason.

6. Associate members

- 6.1. Associate members of WCH include:
 - 6.1.1. any members under the age of fifteen years; and
 - 6.1.2. any other category of member as determined by special resolution at a general meeting.
- 6.2. An associate member must not vote but may have other rights as determined by the Board or by resolution at a general meeting.

7. Rights not transferable

- 7.1. The rights of a member are not transferable and end when membership ceases.

8. Ceasing Membership

- 8.1. The membership of a person ceases on resignation, expulsion or death.
- 8.2. If a person ceases to be a member of the WCH, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

9. Resigning as a member

- 9.1. A member may resign by notice in writing given to the WCH.
- 9.2. A member is taken to have resigned if:
 - 9.2.1. the member's annual subscription is more than twelve months in arrears; or
 - 9.2.2. where no annual subscription is payable:
 - 9.2.2.1. the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
 - 9.2.2.2. the member has not, within three months after receiving that request, confirmed in writing that he or she wishes to remain a member.

10. Election of Officers and Ordinary Committee Members

- 10.1. Nomination of candidates for election of the WCH Board must be:
 - 10.1.1. made in writing, signed by two members of the WCH and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - 10.1.2. delivered to the Secretary of the WCH not less than seven days before the date fixed for the holding of the annual general meeting.
- 10.2. If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.
- 10.3. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 10.4. If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- 10.5. The ballot for the election of members of the Board must be conducted at the annual general meeting in such manner as follows:
 - 10.5.1. The voting procedure will be first-past-the-post.
 - 10.5.2. Each voting member casting as many votes as there are board positions to be filled.
 - 10.5.3. In the event of a tie the names will be drawn by lot with the drawn name being eliminated.

11. Vacancies & Expulsion of a Member

- 11.1. The office of a member of the Board becomes vacant when the Board resolves that the person:
 - 11.1.1. ceases to be a member of the Board; or
 - 11.1.2. becomes an insolvent under administration within the meaning of the Corporations Law; or
 - 11.1.3. resigns from office by notice in writing forwarded to the Secretary.

- 11.2. A resolution of the Board under subrule 11.1 does not take effect unless:
 - 11.2.1. at a meeting held in accordance with subrule 11.3, the Board confirms the resolution; and
 - 11.2.2. if the member exercises a right of appeal to the WCH under this rule, the WCH confirms the resolution in accordance with this rule.
- 11.3. A meeting of the Board to confirm or revoke a resolution passed under subrule 11.1 must be held not earlier than fourteen days, and not later than 28 days, after notice has been given to the member in accordance with subrule 11.4.
- 11.4. For the purposes of giving notice in accordance with subrule 11.3, the Secretary must as soon as practicable, cause to be given to the member a written notice:
 - 11.4.1. setting out the resolution of the Board and the grounds on which it is based; and
 - 11.4.2. stating that the member, or his or her representative, may address the Board at a meeting to be held not earlier than fourteen days and not later than 28 days after the notice has been given to that member; and
 - 11.4.3. stating the date, place and time of that meeting; and
 - 11.4.4. informing the member that he or she may do one or both of the following:
 - 11.4.4.1. attend that meeting;
 - 11.4.4.2. give to the Board before the date of that meeting a written statement seeking the revocation of the resolution; and
 - 11.4.5. Informing the member that, if at that meeting, the Board confirms the resolution, he or she may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the WCH in a general meeting against the resolution.
- 11.5. At a meeting of the Board to confirm or revoke a resolution passed under subrule 11.1, the Board must:
 - 11.5.1. give the member, or his or her representative, an opportunity to be heard; and
 - 11.5.2. give due consideration to any written statement submitted by the member; and
 - 11.5.3. determine by resolution whether to confirm or to revoke the resolution.
- 11.6. If at the meeting of the Board, the Board confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the WCH in general meeting against the resolution.
- 11.7. If the Secretary receives a notice under subrule 11.6, he or she must notify the Board and the Board must convene a general meeting of the WCH to be held within 21 days after the date on which the Secretary received the notice.

- 11.8. At a general meeting of the WCH convened under clause 11.7:
 - 11.8.1. no business other than the question of the appeal may be conducted; and
 - 11.8.2. the Board may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - 11.8.3. the member, and his or her representative, must be given an opportunity to be heard: and
 - 11.8.4. the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 11.9. A resolution is confirmed if, at the general meeting, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

12. Meetings

- 12.1. The annual general meeting shall be held in September each year and members shall be given at least fourteen days notice of the meeting via the local media.
- 12.2. The Annual Report and audited balance sheet or financial statement shall be submitted to the members at the annual general meeting.
- 12.3. The election of the Board for the ensuing twelve months shall take place at the annual general meeting. The election of the executive will be carried out by the Board at its first meeting after the annual general meeting.
- 12.4. Each member of the Board shall be subject to the rules of the WCH, and may hold office until the next annual general meeting.
- 12.5. In the event of a casual vacancy occurring on the Board, the Board may appoint a member of the WCH to fill the vacancy.
- 12.6. Board meetings shall be held once a month, and shall be under the chaired in accordance with clause 12.3.
- 12.7. If a Board meeting cannot be held once a month, the meeting will be held at the discretion of the Board.
- 12.8. A member desiring to bring any business before a meeting must give notice of that business in writing to the President who shall include it on the agenda for the first Board meeting after receipt of the notice. In such cases the member bringing up the business shall be invited to present his or her proposal to the Board.
- 12.9. A special general meeting of members shall be called at the request of the President, or any four members of the Board, or at the written request of five of the registered members of the WCH.
- 12.10. Such meetings shall be held within 21 days of such request. The outcomes of the special general meeting shall be put to the Board for consideration.
- 12.11. In all matters before the board the President shall have a deliberative vote and a casting vote.

- 12.12. No Item of business shall be transacted at a general meeting, or monthly Board meeting unless a quorum of members is present to vote.
- 12.13. Five members personally present constitute a quorum for the transactions of the business of meetings, other than Executive meetings.
- 12.14. If within half an hour after the scheduled commencement of any meeting a quorum is not present, the meeting shall be rescheduled at the decision of those Board members present.
- 12.15. Three members constitute a quorum for an executive board meeting.
- 12.16. The President or in his or her absence, the Vice President, shall preside as the chairperson at each general meetings and board meetings. If the President and Vice President are absent from the meeting, the members present shall elect one of their numbers to preside as chairperson of the meeting.
- 12.17. Upon any question arising at a Board meeting, a member has one vote only. All votes shall be given personally or by proxy.

13. Notice of General Meetings

- 13.1. General meetings include the annual general meeting and special general meetings.
- 13.2. The Secretary of the WCH, at least fourteen days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the WCH, must cause to be sent to each member of the WCH, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- 13.3. Notice may be sent:
 - 13.3.1. by prepaid post to the address appearing in the register of members;
or
 - 13.3.2. if the member requested, by facsimile transmission or electronic transmission.
- 13.4. No business other than that set out in the notice convening the meeting may be conducted at the meeting.
- 13.5. A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the general meeting.

14. Board of Management

- 14.1. The Board shall consist of President, Vice President, Secretary, Treasurer plus no less than three and no more than five committee members.
- 14.2. All Board positions are voluntary and no member will receive a salary for occupying a position on the Board.
- 14.3. As soon as practicable after being elected or appointed to the Board, each board member must become familiar with the WCH Constitution and the relevant legislation.

- 14.4. The Board is collectively responsible for ensuring that the WCH complies with relevant legislation and that individual members comply with the WCH Constitution.
- 14.5. Board members must exercise their powers and discharge their duties with reasonable care and diligence.
- 14.6. Board members must exercise their powers and discharge their duties:
 - 14.6.1. in good faith in the best interests of WCH; and
 - 14.6.2. for a proper purpose.
- 14.7. Board members and former board members must not make improper use of:
 - 14.7.1. their position; or
 - 14.7.2. information acquired by virtue of holding their position—
so as to gain an advantage for themselves or any other person or to cause detriment to WCH.
- 14.8. In addition to any duties imposed by the WCH Constitution a board member must perform any other duties imposed from time to time by resolution at a general meeting.
- 14.9. After three non-attendances at board meetings (without an apology or reasonable excuse) the Board shall consider termination of the non-attendees on the Board.
- 14.10. All board members must be registered members of the WCH.
- 14.11. The Board shall have the power to delegate any of its powers to a sub-committee to deal with any particular matter or matters as the Board may think fit.
- 14.12. The Board is responsible for the management of the WCH.

15. Executive Board

- 15.1. The Executive Board shall consist of President, Secretary, Treasurer and the Vice President.
- 15.2. Shall be convened as requested by the President, to attend to urgent business arising between meetings.

16. Role of the Executive Board

- 16.1. The President shall act as the official representative of the WCH.
- 16.2. The Secretary shall carry out his or her duties under the direction of the Board and keep a true record of all minutes of the annual, board and special meetings, issue notices, agenda and minutes for meetings. The Secretary shall also keep records and carry out such duties as the Board may from time to time direct.
- 16.3. The Treasurer shall in consultation with the WCH Board Financial Manager report on all monies due to the association and oversee all payments authorised by the association.

- 16.4. The Treasurer shall ensure that the Financial Manager keeps correct account books showing financial affairs of the association, with the full details of all receipts and expenditure with the activities of the association.
- 16.5. The Treasurer shall present a monthly financial statement.
- 16.6. The financial records shall be available for inspection by members of the Board of Management subject to the provisions of the *Information Privacy Act 2000*.

17. Sub Committees

- 17.1. Shall be instituted by the Board as required.

18. Appointment and removal of the Secretary

- 18.1. The Secretary may be appointed and or removed in accordance with the requirements for the appointment or removal of Board members and members in accordance with the WCH Constitution.

19. Financial Administration

- 19.1. The financial year shall be from the first day of July until the 30th day of June.
- 19.2. All payments must be made either by:
 - 19.2.1. withdrawal cheque signed by two of the Board's authorised signatories; or
 - 19.2.2. electronic funds transfer authorised by secure token and Coordinator and finance officer.
- 19.3. The property, assets and income of the WCH wherever derived, shall be applied towards the promotion of the objectives of the WCH. Provided that nothing contained in the WCH Constitution shall prevent the payment in good faith or remuneration to any officers, servants of the WCH or any member in return for service actually rendered nor prevent the payment of interest on money borrowed from any member of the WCH.
- 19.4. The funds of the WCH shall be derived from annual subscriptions, donations, government grants and such other sources as the Board determines.

20. Audit

- 20.1. The books and accounts of the WCH shall be audited annually prior to the annual general meeting by a qualified auditor.

21. Custody of Records

- 21.1. All books, documents and securities of the WCH should be kept under the secure care of the Coordinator and Financial Manager with the oversight of the Secretary.

22. Inspection of books and records

- 22.1. Members may on request inspect free of charge:
 - 22.1.1. the register of members
 - 22.1.2. the minutes of general meetings
 - 22.1.3. subject to subrule 22.2, the financial records, books securities and other relevant documents of the WCH, including minutes of Committee meetings.
- 22.2. The Board may refuse a member to inspect records of the WCH that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the WCH.

23. Grievance Procedure, Disputes and Mediation – Members, Staff and or Volunteers

- 23.1. An employee or volunteer will have the right for a grievance to be heard through all levels of management.
- 23.2. In the first instance the employee/volunteer shall attempt to resolve the grievance with the WCH Coordinator. The union representative/selected advocate shall be present if desired by either party.
- 23.3. If the employee/volunteer still feels aggrieved then the matter shall be referred to the Chairperson of the Board. The union representative/selected advocate shall be present if desired by either party.
- 23.4. If the grievance is still unresolved the matter shall be referred to the Executive of the Board, and the union representative.
- 23.5. It is expected the steps in clauses 23.2 & 23.3 shall take place within seven working days. Health and Safety matters exempted.
- 23.6. Until grievance has been settled and while discussions take place work shall continue in accordance with the custom or practice existing before the grievance arose, while discussions take place.
- 23.7. An exception to clause 23.6 is where the health and wellbeing of community members is put in jeopardy, in which case, the person against whom the grievance has been lodged shall be asked to step down until the grievance is settled.
- 23.8. If the grievance still exists the matter shall be referred to an appropriate body (presently, Conciliation and Arbitration Boards) for decision, which shall be accepted by the parties as ending the matter.

24. Grievance Procedure, Disputes and Mediation - General

- 24.1. The grievance procedure set out in this clause applies to disputes under the WCH Constitution between:
 - 24.1.1. a member and another member; or
 - 24.1.2. a member and the Association

- 24.2. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen days after the dispute comes to the attention of the parties.
- 24.3. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten days, hold a meeting in the presence of a mediator.
- 24.4. The mediator must be:
 - 24.4.1. a person chosen by agreement between the parties; or
 - 24.4.2. in the absence of agreement:
 - 24.4.2.1. in the case of a dispute between a member and another member, a person appointed by the Board of the Association; or
 - 24.4.2.2. in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 24.5. A member of the WCH can be a mediator.
- 24.6. The mediator cannot be a member who is a party to the dispute.
- 24.7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 24.8. The mediator, in conducting the mediation, must:
 - 24.8.1. give the parties to the mediation process every opportunity to be heard; and
 - 24.8.2. allow due consideration by all parties of any written statement submitted by any party; and
 - 24.8.3. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 24.9. The mediator must not determine the dispute.
- 24.10. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the *Associations Incorporation Reform Act 2012* or otherwise at law.

25. Grounds for taking disciplinary action

- 25.1. The WCH may take disciplinary action against a member in accordance with clauses 26, 27, 28 and 29 if it is determined that the member—
 - 25.1.1. has failed to comply with the WCH Constitution; or
 - 25.1.2. refuses to support the purposes of the WCH; or
 - 25.1.3. has engaged in conduct prejudicial to the WCH.

26. Disciplinary subcommittee

- 26.1. If the Board is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Board must appoint a disciplinary

subcommittee to hear the matter and determine what action, if any, to take against the member.

- 26.2. The members of the disciplinary subcommittee:
 - 26.2.1. may be Board members, members of the WCH or anyone else; but
 - 26.2.2. must not be biased against, or in favour of, the member concerned.

27. Notice to member

- 27.1. Before disciplinary action is taken against a member, the Secretary must give written notice to the member:
 - 27.1.1. stating that the WCH proposes to take disciplinary action against the member; and
 - 27.1.2. stating the grounds for the proposed disciplinary action; and
 - 27.1.3. specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the disciplinary meeting); and
 - 27.1.4. advising the member that he or she may do one or both of the following:
 - 27.1.4.1. attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - 27.1.4.2. give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - 27.1.5. setting out the member's appeal rights under clause 29.
- 27.2. The notice must be given no earlier than 28 days, and no later than fourteen days, before the disciplinary meeting is held.

28. Decision of subcommittee

- 28.1. At the disciplinary meeting, the disciplinary subcommittee must:
 - 28.1.1. give the member an opportunity to be heard; and
 - 28.1.2. consider any written statement submitted by the member.
- 28.2. After complying with clause 28.1, the disciplinary subcommittee may:
 - 28.2.1. take no further action against the member; or
 - 28.2.2. subject to clause 28.3:
 - 28.2.2.1. reprimand the member; or
 - 28.2.2.2. suspend the membership rights of the member for a specified period; or
 - 28.2.2.3. expel the member from the WCH.
- 28.3. The disciplinary subcommittee may not fine the member.
- 28.4. The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

29. Appeal rights

- 29.1. A person whose membership rights have been suspended or who has been expelled from the WCH under rule 28 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- 29.2. The notice must be in writing and given:
 - 29.2.1. to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - 29.2.2. to the Secretary not later than 48 hours after the vote.
- 29.3. If a person has given notice under clause 29.2, a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- 29.4. Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must:
 - 29.4.1. specify the date, time and place of the meeting; and
 - 29.4.2. state:
 - 29.4.2.1. the name of the person against whom the disciplinary action has been taken; and
 - 29.4.2.2. the grounds for taking that action; and
 - 29.4.2.3. that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

30. Conduct of disciplinary appeal meeting

- 30.1. At a disciplinary appeal meeting:
 - 30.1.1. no business other than the question of the appeal may be conducted; and
 - 30.1.2. the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - 30.1.3. the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- 30.2. After complying with clause 30.1, the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- 30.3. A member may not vote by proxy at the meeting.
- 30.4. The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

31. Decision Making

- 31.1. Discussion will follow a proposal put forward and if an agreement cannot be reached by members the proposal will be put to a vote. If more than half the members present agree with the proposal it will be moved and accepted.

32. Common Seal

- 32.1. The Common Seal shall be kept in the safe custody of the Coordinator.
- 32.2. The Common Seal shall not be affixed to any instrument except by the authority of the Board, and the affixing of the Common Seal shall be attested to by the signatures of two members of the Executive.

33. Constitutional Continuity

- 33.1. The WCH Constitution shall operate and be effective until such time as it may be revised and accepted at an annual general meeting or special general meeting.

34. Alterations

- 34.1. The WCH Constitution may only be altered by special resolution at a general meeting of the WCH.
- 34.2. Proposed alterations to the constitution shall be presented, in writing, to the Board at least one month before a general meeting. Members are to be advised 21 days prior to such general meeting. A minimum of 75 per cent of those voting must be in favour to approve such alterations.

35. Winding up

- 35.1. The WCH may be wound up voluntarily by special resolution.
- 35.2. In the event of winding up or the cancellation of the incorporation of WCH, the surplus assets of WCH must not be distributed to any members of former members of the WCH.
- 35.3. Subject to the *Associations Incorporation Reform Act 2012* or any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the WCH and which is not carried on for the profit or gain of its individual members.
- 35.4. The body to which the surplus assets are to be given must be decided by special resolution.

36. Dissolution

- 36.1. In the event of the WCH being wound up, any assets remaining after the payment of all debts and liabilities of the WCH will only be transferred to such funds, authorities or institutions approved by the Commissioner or the Deputy Commissioner for the purpose of sub paragraph 78 (4) table 1, Item 1.1.1 or table 4, Item 4.1.1 of the income *Tax Assessment Act 1936*, as amended or re-enactment thereof.