

## Change to the EWPA Constitution – 18 November 2021

Pursuant to clause 30 of the constitution of the Elevating Work Platform Association of Australia Incorporated (Constitution), notice was given that an annual general meeting (AGM) of Members of the Elevating Work Platform Association of Australia Incorporated (EWPA or Association) would be held at via Zoom, at 5.00pm (AEDT) on Thursday, 18 November 2021.

By way of explanatory material in relation to certain resolutions proposed for the 2021 AGM, please note that the Association had previously provided to its members a Discussion Paper which provided further information about the change of the legal structure of the Association and the Board recommendation. A link to this Discussion Paper was provided and any member that was unable to access the link was directed to contact the Secretary of the Association for a copy of the Discussion Paper. Additionally, a copy of this Discussion Paper was sent to all EWPA members on 27 August 2021.

### Resolution 1: Change of Legal Structure

Under the NSW Associations Incorporation Act 2009 (NSW) and the Corporations Act 2001 (Cth) (Corporations Act), a New South Wales incorporated association can transfer its incorporation to a company if the transfer application is authorised by a special resolution of the incorporated association.

EWPA proposes to transfer its registration to a public company limited by guarantee with a similar name and Constitution that complies with the Corporations Act. EWPA meets the requirements of regulation 15 of the Associations Incorporation Regulation 2016 (NSW) because it is prohibited from distributing profits to its members both under its constitution and in accordance with section 254SA of the Corporations Act and continues as the same legal personality in accordance with section 601BM of the Corporations Act.

It is proposed that at the AGM, the Members will consider and, if thought fit, pass the following resolution as a special resolution:

*“That in accordance with section 78(2) of the Associations Incorporation Act 2009 (NSW) members authorise that application be made to the Secretary for the transfer of registration of Elevating Work Platform Association of Australia Incorporated to a public company limited by guarantee registered under Part 5B.1 of the Corporations Act 2001 with the amount of the Guarantee being \$1.”*

### Resolution 2: Change of Name

It is proposed that at the AGM, the Members will consider and, if thought fit, to pass the following resolution as a special resolution:

*“That the name of the company be Elevating Work Platform Association Ltd with the change from Elevating Work Platform Association of Australia Incorporated to apply from when the name is registered with the Australian Securities and Investments Commission.”*

### Resolution 3: Adopt a Constitution for the Company

The full version of the constitution referred to in the following special resolution is available on the EWPA website. Any member that is unable to access this may contact the Secretary of the Association for a copy of the constitution.

It is proposed that at the AGM, the Members will consider and, if thought fit, to pass the following resolution as a special resolution:

*“That the constitution tabled at the 2021 annual general meeting and initialled by the chair of the 2021 annual general meeting for the purpose of identification (a copy of which has been made available to Members), be adopted as the constitution of the company Elevating Work Platform Association Ltd, with the constitution to take effect from when the Australian Securities and Investments Commission registers the company and to replace in its entirety the current constitution of Elevating Work Platform Association of Australia Incorporated which ceases to apply from that date.”*

**The resolutions passed unanimously.**

**Resolution 1: Change of Legal Structure**

No objections received. Resolution 1 was accepted.

**Resolution 2: Change of Name**

No objections received. Resolution 2 was accepted.

**Resolution 3: Adopt a Constitution for the Company**

No objections received. Resolution 3 was accepted and the Constitution was adopted.

**The meeting was closed at 5.26pm.**