

Proposed Changes to National Constitution Australian Crime Prevention Council

At the last occurring meeting of the National Executive, held Adelaide, 6th August, 1978, the sub-committee set up by the National Executive to deal with drafting of proposed new Constitution for the Australian Crime Prevention Council tabled their DRAFT of this proposal.

After much discussion on the proposed DRAFT the National Executive, vide Resolution No. 54 for the period 1977/79, moved:

"... that the (proposed) Constitution be redrafted and forwarded to the State and Territory Branches (of the Council) for comment, to be in the hand of the committee at least three months prior to the next National Executive Meeting."

As directed by National Executive, the provisions of Resolution 54 have been complied with in so far as it pertains to circularisation of redrafted proposed Constitution to all States and Territory Branches of the Council.

For the benefit of all level of membership we now reproduce copy of DRAFT proposal so circularised as you may wish to consider same and then communicate your views, suggestions or even further amendments thereto to your respective Branch Secretary as soon as practicable.

J.H. Purcell
EXECUTIVE DIRECTOR

"DRAFT ONLY" (as at 6th August, 1978) AUSTRALIAN CRIME PREVENTION COUNCIL CONSTITUTION

1. NAME

The name of the Council shall be Australian Crime Prevention Council.

2. OBJECTS

The objects of the Council shall be —

- (a) to assist and promote the work of crime prevention, correction and the after-care of offenders;
- (b) to co-ordinate the activities of all persons and bodies interested in such work;
- (c) to promote discussion and publication of matters of interest amongst those concerned with crime prevention, correction and after-care;
- (d) to develop better public understanding of the problems of crime, to encourage the participation of citizens in the prevention of crime and in the alleviation of social injustices, to encourage and support the role of the volunteer in relevant fields and to assist those who work with juvenile offenders or with disturbed or disadvantaged children;
- (e) to support and co-ordinate the activities of the State and Territory Branches of the Council and to disseminate information as to the activities and publications of such Branches.

3. CONSTITUTION

The Council shall consist of ordinary members, life members, student members, organisation members, voluntary organisation members and honorary members as provided by the By-laws and subject to the subscriptions and requirements therein provided.

4. OFFICERS OF THE COUNCIL

The officers of the Council shall be a President, two Vice Presidents (one of whom shall be designated as senior Vice President), a Secretary, a Treasurer and eight Representative Officers, one of whom shall be from each State and Territory of the Commonwealth of Australia.

5. ELECTION OF OFFICERS OF THE COUNCIL

- (a) The Representative Officers of the Council shall be elected by the appropriate State or Territory Branch but no officers of the Council shall be eligible for election or to serve on the Executive unless he/she has been a financial member for

- more than one year and unless he/she has previously served the Council in a State or Territory Branch office bearing position, or by co-option, for a minimum period of at least one year. Candidates for election as Representative Officers of the Council must also hold financial membership of the Council as an Associate Member for a minimum period of twelve months prior to standing for election and whose name and relevant particulars must appear in the National Membership Register for a minimum period of twelve months prior to accepting nomination for election. Such elections shall be held at a General Meeting of such State or Territory Branch preceding the Biennial Conference of the Council as hereinafter provided. Upon the Secretary of the Council being advised as to the result of such election and upon announcing the name of the elected member at the Biennial General Meeting of the Council such Executive Officers shall be deemed duly elected. Should a Branch fail to elect and nominate a Representative Officer in manner herein provided, then in that event the election of such an officer will be conducted at the Biennial General Meeting of the Council by secret ballot and all financial members attending such Biennial General Meeting shall have the right to vote.
- (b) Nominations for all other officers of the Council shall be called for by the Secretary of the Council three calendar months prior to the commencement date of the Biennial Conference. Nominations shall carry the signature of the nominator, seconder and the nominee (all of whom shall be financial members of the Council) and must be in the hands of the Secretary of the Council not later than eight weeks prior to the commencement of such Biennial Conference.
- (c) The Secretary of the Council shall within seven days of the close of nominations forward to all members of the Council the name, address and occupation of each person nominated together with the appropriate form or forms to enable each member to lodge a vote or votes by postal ballot for all or any of those positions which may be contested.
- (d) All postal votes shall be lodged in a sealed ballot box and with the Secretary of the Council by 12 midday 14 days preceding commencement of the Biennial Conference and which shall not be opened by the Returning Officer and the count taken in the presence of appointed scrutineers until 5

pm on the day preceding the last day of the Biennial Conference.

- (e) Postal votes shall be held by the Secretary until the closing time referred to in para 5(d) hereof, after which such votes shall be opened and counted by a Returning Officer in the presence of 2 scrutineers to be appointed by the meeting of the National Executive last preceding such counting, neither of whom shall be standing for election. If for reasons beyond the control of the Secretary or the Council it proves impossible to conduct the postal ballot as hereinbefore provided, in that event the election of those officers shall be conducted by secret ballot the Biennial Meeting of the Council.

6. THE NATIONAL EXECUTIVE

- (a) There shall be a National Executive of the Council which shall consist of all officers and representative officers of the Council being elected as above provided.
- (b) All members of the National Executive shall assume their duties immediately after election and shall continue in office until their successors are elected provided that no person shall serve as a member of the National Executive for a continuous term exceeding 6 years.
- (c) The National Executive shall call an Extraordinary General Meeting of the Council if requested in writing by no less than 9 members of the Council so to do, provided that such written request shall clearly set out the purpose or purposes for which the Extraordinary General Meeting is sought.

- (d) The Secretary shall give at least 28 days written notice to financial members of a General or Extraordinary General Meeting of the Council and shall briefly set out the purpose or purposes for which an Extraordinary General Meeting has been summoned. For the purposes of this clause, written notice shall be deemed to have been given to a member if it has been sent to his address shown in the current National Membership Register in a prepaid envelope posted in Australia 32 days before the date of such meeting.

All financial members of the Council whose names and particulars appear within the National Membership Register shall, at the time written notice is forwarded them advising of a General or Extraordinary General Meeting, be also advised by the Secretary of their right to lodge a postal vote or to appoint another financial member as his/her proxy to vote on his/her behalf.

A financial member who appoints a proxy to represent him/her at a General or Extraordinary General Meeting shall do so by way of written communication addressed to the Secretary and which should reach him/her fourteen days prior to date set down for the General or Extraordinary General Meeting.

Communication appointing a proxy and addressed to the Secretary shall be worded as follows:

I,, a financial member of the Australian Crime Prevention Council, hereby appoint (who is also a financial member of the Council) to vote as my proxy at the General Meeting (or Extraordinary General Meeting) to be held on . . . / . . /19 . . and at any adjournment thereof.

Signed"

- (e) The National Executive shall meet at least annually.
- (f) The general policies of the Council and the general conduct of its affairs and activities shall be under the control of the National Executive.
- (g) A quorum for a meeting of the National Executive shall be five members.
- (h) A member of the National Executive may be represented at meetings of such Executive by a proxy appointed in writing. A proxy so appointed and attending such meeting shall have power to vote. A proxy appointed in writing by a member of the National Executive may be any financial member of the Council whose name and particulars appear within the National Membership Register.
- (i) The President, Secretary and Treasurer shall perform the customary duties of their respective officers. The President shall take the chair at all meetings of the National Executive and at all General Meetings of the Council provided that in his absence a Vice President appointed by such meeting may act as Chairman.
- (j) A Special Meeting of the National Executive shall be called by the President upon the written request of not less than six members of the National Executive.
- (k) The National Executive may elect a Patron who shall hold office until his or her successor is elected.
- (l) The National Executive at its first meeting following its election at a Biennial General Meeting shall consider the range of interests and organisational membership of its members in

relation to its responsibilities to the Council and may co-opt not more than six (6) persons, who, in the opinion of the officers, may assist the National Executive in achieving the objects set out in Clause 2.

- (m) The National Executive may on behalf of the Council arrange such conferences, meetings, seminars, workshops or activities as may be resolved having regard to the objects of the Council.

- (n) In case of any unusual vacancy occurring upon the National Executive during the period between Biennial General Meetings of the National Executive, the remaining members may appoint a person on the recommendation of the State or Territory Branch concerned to fill such vacancy until the next Biennial General Meeting of the Council.

- (o) The National Executive or the Council in general meeting may make such by-laws as from time to time appear necessary for the convenient administration of the Council provided that a by-law inconsistent with the Constitution shall be deemed null and void. Alterations or repeal of by-laws may be made at any general meeting of the Council or at a meeting of the National Executive without notice to members and in either event a decision by two-thirds of those present and voting shall be required before repeal or alteration is effected.

- (p) Save as otherwise herein expressly provided every question or issue at a meeting of the Executive Council or at any general meeting of the Council shall be decided by a majority of votes. Every financial member present shall have one vote and in case of equality of votes, the Chairman shall have a second or casting vote.

All financial members of the Council whose names and particulars appear within the National Membership Register and who are unable to physically attend any general meeting of the Council shall be entitled to lodge a postal vote touching upon any question or issue which is to be raised at a general meeting or may appoint in writing another financial member as his/her proxy to vote on his/her behalf.

A financial member who appoints a proxy to represent him/her at a general meeting of the Council shall do so by way of written communication addressed to the Secretary and which should reach him/her fourteen days prior to date set down for the general meeting.

7. (a) The Council shall meet biennially and at such other times and at such places as the National Executive shall determine provided that if practicable the biennial meeting of the Council shall be held during the currency and at the venue of a Biennial Conference held under the auspices of the Council.

- (b) **At each biennial meeting of the Council**, the Hon. Secretary shall submit a biennial report as to the Council's activities since the last biennial meeting and which shall include synopsis of the Minutes of the National Executive for the period since the preceding Biennial General Meeting.

- (c) The National Executive shall cause a financial statement and balance sheet to be prepared by the Hon. Treasurer and audited in each financial year (from 1st July to 30th June) and shall present such financial statements and balance sheets at each biennial meeting of the Council.

- (d) A duly qualified auditor shall be appointed at each biennial meeting of the Council to audit the accounts of the Council.

- (e) The funds of the Council shall be banked or invested in the name of Australian Crime Prevention Council and any two of the following persons shall be authorised to operate thereon: the President, a Vice President, the Secretary or the Treasurer and/or the Executive Director.

8. MANAGEMENT COMMITTEE

- (a) There shall be a Management Committee of the Council which shall consist of the President, the two Vice Presidents, the Secretary and the Treasurer, any four of whom shall constitute a quorum.

- (b) In the interval between meetings of the Council, the affairs of the Council shall be conducted by the National Executive or by the Management Committee to which the National Executive may delegate its powers, such Committees being in all things responsible to the National Executive.

- (c) The Management Committee shall meet at least annually and in case of urgency or importance or for reasons of economy the President is empowered to direct a telephone conference between not less than four members of the Management Committee (if more are not available) for the purpose of conducting the affairs of the Council.

- (d) The Management Committee may make all interim decisions necessary to manage the affairs of the Council, but shall neither depart from nor vary policy decisions made by the Council or its National Executive nor will it disburse the funds of the Council unless authorised by the National Executive.

- (e) All acts done by the Management Committee in managing the affairs of the Council shall be submitted for approval and ratification by the National Executive and the management Committee will keep minutes of its proceedings and circulate them to members of the National Executive for consideration at the first meeting of the National Executive next ensuing.

9. COUNCIL SECRETARIAT

- (a) The National Executive is empowered to set up or maintain a Secretariat to assist in the administration of the affairs and activities of the Council and for that purpose may engage such staff as the National Executive may consider necessary on such terms and conditions as may be considered appropriate.

10. EXECUTIVE DIRECTOR

- (a) The person for the time being in charge of the Secretariat shall be known as the Executive Director who may be employed on either a full time or part time basis.
- (b) The National Executive may engage secretarial, clerical or other staff on a full time or part time basis to assist the Executive Director, but insofar as practicable the National Executive will follow the recommendations of the Executive Director in the selection of a staff member.
- (c) Subject to the directions of the National Executive or the Management Committee, the Executive Director shall conduct the administration and financial affairs of the Council and shall keep the President for the time being fully informed as to all relevant matters. Without limiting the scope of his duties, the Executive Director shall keep the books and accounts of the Council, its National Membership Register and shall be responsible for co-ordinating and publicising the activities of the Council and all branches of the Council.
- (d) The Executive Director may assume the responsibilities of the Treasurer or the Secretary for the time being of the Council and shall be responsible for the organisation of meetings of the National Executive and the Management Committee and shall be responsible for the proper organisation and implementation of voting procedures.
- (e) The Executive Director shall use his best endeavours to assist the State and Territory Branches of the Council and subject to the requirements of such Branches shall assist in the organisation of the Biennial Conferences of the Council.
- (f) The Executive Director with the assistance of State Branches shall endeavour to establish a regular publication for the purpose of keeping all members of the Council informed as to activities on a national basis.
- (g) The office of the Secretariat shall be situate at such place as the National Executive shall from time to time determine. Any notice required to be given to the Treasurer or the Secretary under this Constitution or the By-laws shall be deemed to have been sufficiently given if posted to the Executive Director at the office of the Secretariat. Any notice required to be given by the Secretary or the Treasurer or any act required to be done by them or either of them shall be deemed sufficiently given or performed if carried out by the Executive Director in the proper discharge of his duties.
- (h) The Executive Director may be a member of the Council and he shall by virtue of his office be an ex officio member of the National Executive and the management Committee without power to vote. The Director shall be responsible for preparation of the agendas for such meetings, for the recording and dissemination of minutes of such meetings and he shall whenever practicable be present at such meetings, save when he is asked by the Chairman to retire.

11. BRANCHES

- (a) The Council and its National Executive will so far as practicable endeavour to support and assist the activities of the following branches now established:
- The Victorian Branch of the Australian Crime Prevention Council.
- The New South Wales Branch of the Australian Crime Prevention Council.
- The Queensland Branch of the Australian Crime Prevention Council.
- The Western Australian Branch of the Australian Crime Prevention Council.
- The South Australian Branch of the Australian Crime Prevention Council.
- The Tasmanian Branch of the Australian Crime Prevention Council.
- The Australian Capital Territory Branch of the Australian Crime Prevention Council.
- The Northern Territory Branch of the Australian Crime Prevention Council.

In particular the Council will at the request of any such Branch render such financial and other assistance as may be within its resources to assist the organisational conduct of the traditional Biennial Conferences of the Council.

- (b) The State Branches shall not engage in activities or functions incompatible with the objects and functions of the Council and the National Executive for the time being may request a Branch to discontinue or abandon any activity which it considers incompatible with the objects of the Council.
- (c) No Branch will effect any amendment to its Constitution without giving the Secretary of the Council at least 28 days notice in writing of its intention so to do and such Branch will ensure that any written view expressed by the National Executive or Management Committee and conveyed to such Branch will be promulgated and considered at the General Meeting of such Branch called for the purpose of voting upon such amendment.
- (d) The elected representatives of the above mentioned Branches upon the National Executive shall liaise between the respective Branches and the Council and shall render all practicable assistance to the Executive Director to enable him to promptly and efficiently maintain up to date records of members and statements and records of finances and Branch activities.
- (e) There shall be no objection to any of the State Branches setting up a regional office of such Branch within the State or Territory, but no further Branches of Australian Crime Prevention Council shall be established in Australia without the written approval of the National Executive being first had and obtained.
- (f) Subject to this Constitution, the State Branches are to be regarded as autonomous, but members of any such Branches are ipso facto members of the Council and the Council and the Branches will endeavour to co-ordinate their efforts to disseminate information as to activities to thoroughly achieve their common objectives on a national basis.

12. ALTERATIONS TO CONSTITUTION

This Constitution may be repealed or amended by Resolution at any general meeting of the Council provided that at least 42 days notice in writing of intention to propose such repeal or amendment has been given by the proponent to the Secretary. A Resolution to that effect shall be deemed to have been passed if carried by a simple majority of votes cast.

All financial members of the Council whose names and particulars appear within the National Membership Register and who are unable to attend a general meeting of the Council which may be convened for the purpose of repealing or amending by resolution the Constitution shall be entitled to cast one vote by way of postal vote or may appoint in writing another financial member as his/her proxy to represent him/her at any such general meeting of the Council. Any such proxy appointment made by a financial member shall be by way of written communication addressed to the Secretary and which should reach him/her fourteen days prior to date set down for the general meeting.

13. DISSOLUTION

- (a) The Council may be dissolved or wound up by Resolution at any general meeting of the Council provided that at least 42 days notice in writing shall have been given to the Secretary by the proponent of intention so to propose and provided further that at least 28 days notice in writing of the proposed Resolution and of the date of the general meeting has been given by the Secretary to all financial members. A Resolution to that effect shall be deemed to have been passed only if carried by a majority of at least two-thirds of members present and voting.
- (b) Upon dissolution or winding up the assets of the Council shall be realised and the proceeds and the funds of the Council shall after payment of all debts, expenses and liabilities, be lawfully dealt with and disbursed as resolved by a simple majority of the general meeting which carried the resolution for dissolution and winding up.

14. MEMBERSHIP SUBSCRIPTIONS

- (a) Subscriptions for membership shall be as provided in the By-laws and shall be payable in the first instance, not to State or Territory Branches, but to the Treasurer of the Council or to the Executive Director as the case may be.
- (b) All membership applications going in the first instance into the hands of a State or Territory Branch shall be sent to the Treasurer or Executive Director with such particulars as to the member, his address and occupation and with such

other information as may be required for the proper maintenance of the national register of members.

- (c) All Membership applications received after the 30th March in any year shall be held over for acceptance, or to be otherwise dealt with by the Council, until commencement of the financial year next occurring.
- (d) The Council shall pay to each State or Territory Branch and at intervals of not more than three calendar months a sum equivalent to one half of the total gross membership subscriptions received from members in such State or Territory or paid to it by Such State or Territory Branch pursuant to sub paragraph (b) hereof. A schedule of subscriptions received from such State or Territory shall accompany such payment.

PREDECESSORS

The Council is the successor to the body previously known as The Australian Prison After-Care Council which was founded on 19th May 1960. Original foundation organisations are set out in the schedule annexed hereto.

ANNEXURE

PREDECESSORS

The predecessor of the Council was the Australian Prison After-Care Council which was formed on the 19th May 1960 of which the foundation members were:—

- (1) The Prisoners' Aid Association of New South Wales.
- (2) The Prisoners' Aid Society of Victoria.
- (3) The Prisoners' Aid Association of South Australia (Inc.)
- (4) The Prisoners' Aid Association of Western Australia.
- (5) The Prisoners' Aid Society of Tasmania.
- (6) The Civil Rehabilitation Committee (N.S.W.)
- (7)-(12) Each existing group of Government-sponsored Parole Officers in each State.
- (13) Eastern Territory of the Salvation Army.
- (14) Southern Territory of the Salvation Army.
- (15) Department of Evangelism and Social Services (Methodist) Queensland.
- (16)-(21) Each Denomination organised on a Federal basis.
- (22) Fairlea Women's Prison Council.
- (23)-(25) Howard Prison Reform Leagues in New South Wales, Victoria and South Australia.

appropriate subscription and who has been accepted by the National Executive as a Student Member.

- (iv) Voluntary Organisation Membership.
A voluntary organisation within the Commonwealth of Australia which has been accepted by the National Executive as a voluntary organisation working in a field relevant to the objects of the Council.
- (v) Organisation Membership.
Any incorporated body, government department, association or institution in the Commonwealth of Australia and which has been accepted by the National Executive as working in a field relevant to the objects of the Council.

Application for Organisation Membership may be accepted by the National Executive from the Registered Head Office of any incorporated body, government department, association or institution in the Commonwealth of Australia and within such application the applicant organisation shall nominate the organisation representative who is to represent them within Council affairs and who shall be the sole representative authorised to exercise the power of one vote when a vote is called for at national level and also within his/her State or Territory Branch of the Council and of which the nominated representative is prima facie entitled to State or Territory Branch membership within the State or Territory from which the original application for organisational membership was made.

Organisation membership does not permit more than one person, such person being the nominated organisation representative, to exercise the power of casting more than one vote where an election is being held.

*APPROPRIATE SCALE OF SUBSCRIPTIONS

Classification	Subscription
1. Ordinary Membership	\$10.00 p.a.
2. Ordinary Life Membership	\$200.00 Lump Sum
3. Student Membership (Tertiary, Full-Time and not in receipt of separate income)	\$4.00 p.a.
4. Voluntary Organisation Membership	\$15.00 p.a.
5. Organisation Membership	\$50.00 p.a.

(* — Suggested fees only — this matter to be determined by full General Meeting of Council).

HONORARY LIFE MEMBERSHIP

Any person who gives meritorious services to the Council over a period of years may be conferred by the Council with Honorary Life Membership.

- 2. For all purposes including determination of entitlement to vote, Ordinary, Student, Voluntary Organisation or Organisation Members are those who have been accepted by the National Executive and who have paid the appropriate subscription for the financial year (1st July to 30th June) during which the relevant election and/or meeting takes place.
- 3. An Ordinary Life Member has full voting rights from the day following the day he has been accepted as such by the National Executive and an Honorary Life Member has full voting rights from the day he or she has been granted such membership by determination of the National Executive.
- 4. An Ordinary member, a Student Member, an Ordinary Life Member and an Honorary Life Member, shall be entitled to one vote. A Voluntary Organisation Member and an Organisation Member shall be represented at a meeting by one authorised person who shall have the power on behalf of such organisation to register one vote which has a voting power of five votes whenever a vote is taken.
- 5. The conduct of the election of officers by secret ballot or by postal vote shall be the responsibility of the National Executive or such other body or person to whom the National Executive may delegate such responsibility.
- 6. Right of voting at any meeting of the Council shall be exercised only by financial members, honorary life members or the nominated representative of a financial voluntary organisation or organisation member.

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In further considering above proposal, it may be of additional assistance to membership to have at their disposal an up-to-date copy of the present and current Constitution of the Australian Crime Prevention Council and which we now reproduce hereunder: