

# AUSTRALIAN CRIME PREVENTION COUNCIL CONSTITUTION

(As Amended to Date 9/9/83)

## 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 (all of whom shall be honorary) shall be:

- (a) The elected Officers who shall comprise —
  - a President
  - a Vice President
  - a Secretary
  - a Treasurerand one Representative Officer from each State or Territory Branch of the Council, who shall be elected to such office by the Branch of which he or she is a member, as is provided by clause 5(2)(a).
- (b) The Immediate-Past President of the Council who shall be an Officer **ex officio** of the Council and shall so remain as long as he holds that title or until he resigns.
- (c) Those persons (not exceeding five in number) co-opted by the National Executive of the Council and who shall hold office from the date of such co-option until the next biennial election of the first four Officers of the Council named in (a) above.

## 5. ELIGIBILITY AND ELECTION OF OFFICERS OF THE COUNCIL

### (1) ELIGIBILITY

- (a) With the exception of the President and the co-optee from the Justice Division in the Commonwealth Attorney-General's Department, no Officer of the Council shall be eligible for election or to serve as an Officer of the Council unless he or she has been a financial and accepted member of the Council for more

than one year **and** in the case of a Representative Officer, unless he or she has previously served the Council as an Officer in a State or Territory Branch, or as a Co-opted Officer of the Council, for more than one year.

- (b) The National Executive shall, at the first meeting after the biennial election of Officers of the Council, co-opt, as two of the no more than three persons it may co-opt as an Officer of the Council, first, one person to represent those voluntary organisations referred to in By-Law 1.(iv); and secondly, one person employed in the Justice Division of the Commonwealth Attorney-General's Department, who has been nominated for co-option by that Department.
- (c) Apart from the requirements of sub-paragraph (b) above, the co-option of three other Officers of the Council shall be in the unfettered discretion of the National Executive, and as provided by clause 6(1). All persons co-opted by the National Executive shall take office from the date of their co-option and shall hold office as provided by clause 4(c).

### (2) ELECTION OF OFFICERS OF THE COUNCIL

- (a) Subject to eligibility, the Representative Officers shall be elected by the appropriate State or Territory Branch of the Council. Such elections shall be held at a General Meeting of such Branch preceding the Biennial General Meeting of the Council, as provided by clause 7. Immediately such an Officer has been elected by a State or Territory Branch, the Secretary of that Branch shall inform the Secretary of the Council of the name of the elected Representative. The Secretary of the Council shall announce the name of each elected Representative Officer at the Biennial General Meeting of the Council, whereupon such Officers shall be deemed duly elected.
- (b) In the event of any Branch failing to elect a Representative Officer, then such an Officer (subject to the requirements of eligibility) may be nominated at and elected by secret ballot by the financial and accepted members of the Council attending the Biennial General Meeting, all of whom shall have the right to vote thereon.
- (c) All postal votes shall be returned to and lodged with the Secretary not later than 1200 hours **fourteen** days preceding the day fixed for the Biennial General Meeting and shall be held by him in a sealed ballot box.
- (d) The National Executive shall at its last meeting preceding the Biennial General Meeting appoint a Returning Officer and two scrutineers (none of whom shall be standing for election).
- (e) After 1700 hours on the day preceding the Biennial General Meeting, the Returning Officer shall open the ballot box in the presence only of the scrutineers and shall count the votes contained therein. The Returning Officer shall hand to the Secretary a list in writing, verified by the signatures of the scrutineers, containing the names of the Officers elected. The Secretary shall announce those names and the office to which each has

been elected at the Biennial General Meeting, whereupon such Officers shall be deemed duly elected.

- (f) If for reasons deemed appropriate by the National Executive it shall not be possible for the Council to conduct a postal ballot as hereinbefore provided, then the election of such Officers shall be by secret ballot at the Biennial General Meeting of the Council and only financial and accepted members of the Council attending such meeting shall have the right to vote thereon.

#### 6. THE NATIONAL EXECUTIVE

- (a) There shall be a National Executive of the Council which shall consist of the Officers of the Council as provided for by clause 4.
- (b) All members of the National Executive shall assume their duties immediately after election or co-option and shall continue in office until their successors are elected or co-opted provided that no person shall serve as a member of the National Executive for a continuous term exceeding six years in the same office.
- (c) The National Executive shall call an Extraordinary General Meeting of the Council if requested in writing by no less than nine 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 summonsed. 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 to 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 offices. 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/her absence, the Vice President or, in his/her absence, any other person present and 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 shall have the power to co-opt Officers of the Council as provided by clauses 4 and 5. Apart from the two co-options it is obliged to make by clause 5(b), the National Executive may co-opt three other Officers of the Council in its unfettered discretion, subject to eligibility.
- (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 the case of any casual vacancy occurring among the Officers of the Council during the period between Biennial General Meetings of the Council —
  - i. If the vacancy is that of a Representative Officer, it shall be filled by appointment made by the Committee of the State or Territory concerned, subject to the requirement of eligibility.
  - ii. If it be any other Officer, it shall be filled by appointment made by the National Executive, subject to the requirement of eligibility.

Any person so appointed shall hold office from the time of such appointment until the election of Officers at 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 National Executive or at any General Meeting of the Council will be decided by a majority of votes. Every financial (or duly elected or co-opted) member shall have one vote and in the case of an 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 physically to 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, which should reach him/her fourteen days prior to date set down for the general meeting.

## 7. BIENNIAL CONFERENCE AND GENERAL MEETING

- (a) The Council shall meet in General Meeting biennially, and at such other times and at such places, as the National Executive shall determine **provided** that, if practicable, the Biennial General 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 General Meeting of the Council, the Secretary shall submit a biennial report as to the Council's activities since the last Biennial General Meeting, which report shall include a synopsis of the Minutes of the Meetings 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 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 General 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, the Vice President, the Secretary, the Treasurer and the Executive Director.

## 8. MANAGEMENT COMMITTEE

- (a) There shall be a Management Committee of the Council, which shall consist of the President, the Vice-President, the Secretary and the Treasurer, any three 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 Committee being in all things responsible to the National Executive.
- (c) In the interests of economy the Management Committee shall not be required physically to meet, but may reach decisions by correspondence or, in case of emergency and as the President may direct, by a telephone conference between not less than three of them.
- (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 a record of its decisions and circulate the same 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 publishing 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, 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.

### BY-LAWS

#### 1. MEMBERS

- (a) As provided by the Constitution membership of a

Branch of the Council prima facie entitles a person to apply for membership of the Council provided that the National Executive may in its complete discretion and without stating its reasons for so doing:—

- i reject an application for membership and refund any moneys received by way of subscription;
- ii terminate membership by notice in writing to the member accompanied by a pro rata refund of any moneys previously received by way of subscription.

Applications for membership received on or after the 30th March within a financial year may be received by the Executive Director and held over for processing at the commencement of the financial year next occurring.

Applications so received and upon acceptance by the National Executive will be recorded within the Central Registry of the National Membership Register as being financial members of the Council as from the first day of July in the new financial year next occurring after 30th March. Membership received after 30th March shall be held in trust pending National Executive determination on the application.

(b) There shall be the following classification of membership:—

- i Ordinary Membership  
Any person ordinarily resident in the Commonwealth of Australia who has paid the appropriate subscription and who has been accepted as an Ordinary Member by the National Executive of the Council.
- ii Ordinary Life Membership.  
Any person ordinarily resident in the Commonwealth of Australia who has paid the appropriate subscription and who has been accepted as an Ordinary Life Member by the National Executive of the Council.
- iii Student Membership.  
A student who is not in receipt of any form of regular income other than a student allowance ordinarily resident in the Commonwealth of Australia who has paid the 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 objectives 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	\$ 20 p.a.
2. Ordinary Life Membership	\$250 Lump Sum
3. Student Membership (Tertiary, Full Time and not in receipt of separate income)	\$ 7 p.a.
4. Voluntary Organisation Membership	\$ 15 p.a.
5. Organisation Membership	\$ 75 p.a.
6. When having regard to and respect for persons suffering pecuniary difficulties or circumstance when applying for new Ordinary Membership, or annual renewal thereof, such person may apply to the Executive Director, on an annual basis, for reduction or waiver of annual fee stating circumstance surrounding such application. The Executive Director may then submit such application to proposed new members, or member's Branch for consideration, such Branch having the power of absolute discretion to reduce Annual Ordinary Membership subscription of \$20 or to waive same completely in appropriate cases (on an annual basis).	

#### HONORARY LIFE MEMBERSHIP

1. 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/she 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.