

# **THE AUSTRALIAN CRIME PREVENTION COUNCIL INCORPORATED**

## **CONSTITUTION AND RULES**

**(As Amended 5 December 2011)**

### **1 Name**

The name of the Association shall be the **AUSTRALIAN CRIME PREVENTION COUNCIL INCORPORATED** ('The Council').

### **2 Definition**

In these rules, unless the contrary intention appears:

"Act" means the Associations Incorporation Act 1985 (South Australia) as amended.

"Council" means the Australian Crime Prevention Council Incorporated.

"Crime Prevention" means strategies, including programs and initiatives (with associated attitudes and behaviours) directed at reducing crime rates, recidivism rates, and the fear of crime and directed at enhancing within the community a sense of safety and a feeling of security and directed at improving the quality of life in society and developing environments where crime cannot flourish.

"National Executive" means the Executive Committee of the Council which is the policy-making body of the Council.

### **3 History**

The Council is the successor of the Australian Prison After-Care Council, and then the Australian Crime Prevention, Corrections and After-Care Council, and then the Australian Crime Prevention Council.

### **4 Objects**

The objects of the Council are: -

**4.1** To assist and promote crime prevention and, to that end, to support strategies programs and initiatives aimed inter alia at achieving the correction and rehabilitation of offenders.

**4.2** To raise public awareness of the need for a strategic approach to crime prevention and community safety.

**4.3** To ensure that a strategic approach to crime prevention and community safety is implemented across all Australian jurisdictions.

**4.4** To promote research into and evaluation of crime prevention strategies programs and initiatives.

**4.5** To encourage individuals and communities to identify own and solve local crime problems through partnerships and empowerment.

**4.6** To change community attitudes that give rise to social alienation and that increase the risk of crime.

**4.7** To develop awareness and public understanding of the problems created by crime, to encourage the participation of citizens in the prevention of crime, and to encourage and support the role of the volunteer in the relevant fields.

**4.8** To provide a forum for the free discussion of all matters of interest amongst those who pursue the objects of the Council.

## **5 Functions and Powers**

**5.1** The Council shall have all the powers conferred by section 25 of the Act save and except such modifications and exclusions as may be specified in these rules.

**5.2** The functions and powers of the Council shall include the following: -

- To advertise and to promote the activities of the Council in the media;
- To make and publish statements (by the National President or other authorised person) to governments and/or the media in relation to crime prevention issues;
- To establish and maintain a web site;
- To maintain dialogue with (and, where necessary, to lobby) governments;
- To publish crime prevention information;
- To sponsor seminars and conferences;
- To attract funding for crime prevention initiatives;
- To make submissions to improve the laws in relation to public offences and offenders and the procedures by which those laws are enforced.

## **6 Policy**

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**6.1** The Council shall be a non-partisan, non-sectarian, non-profit, income tax-exempt, independent and voluntary association of persons, branches, departments and organisations representing a wide cross-section of interests and disciplines including the police, courts, corrections, rehabilitation services, community welfare, voluntary organisations, the victims of crime, education, universities, forensic psychiatry, criminology, sociology, the security industry, crime prevention practitioners, community safety personnel, governments (whether Federal, State or Local), and numerous others (including youth, the elderly, aboriginal and non-aboriginal Australians, men and women, the private sector and the public sector).

**6.2** The assets and income of the Council shall be applied solely in furtherance of the objects and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred on behalf of the Council.

## **7 Incorporation**

The Council shall incorporate and be and remain an Incorporated Association in the State of South Australia

## **8 Membership**

There shall be the following classes of membership: -

- (a) **Branch Membership**, which shall be open to any State or Territory Branch (whether incorporated or unincorporated) of the Australian Crime Prevention Council.
- (b) **Organisational Membership** which shall be open to any non government organisation, incorporated or unincorporated body, government department, instrumentality, commission, board, council, association or corporation, company or institution working in a field relevant to the objects of the Council, and which has applied for, paid the appropriate subscription, and has been accepted as an organisational member by the National Executive of the Council.
- (c) **Individual Membership** which shall be open to any person resident in Australia who has applied for, paid the appropriate subscription and been accepted as an individual member by the National Executive of the Council.

## **9 Register**

The National Treasurer of the Council shall maintain a register containing details of the names and addresses of all of the members of the Council and the class of membership of each member.

## **10 National Executive.**

**10.1** The affairs of the Council shall be managed and controlled by a Committee ('The National Executive') which shall be the policy- making body of the Council and which shall consist of no more than nineteen members comprising the National President, a National Vice-President and Chairman, a Second National Vice President, a National Secretary, a National Treasurer and fourteen representatives with the intention that they represent each of the states and territories. Five members of the National executive shall constitute a quorum thereof.

( Amended 7 September 2010)

**10.2** Any casual vacancy on the National Executive may be filled by the National Executive but any person appointed to fill such casual vacancy shall only hold office until the next Annual General Meeting of the Council.

## **11 Subscriptions**

11.1 There shall be a membership subscription payable in respect of each period of two years commencing on the 1st day of July and ending on 30th day of June two years later.

11.2 The subscription payable by the members of each class of membership shall be determined by the National Executive, which may fix different rates of subscription for the different classes of membership.

11.3 Any member whose subscription is outstanding for more than six months after the due date for payment shall cease to be a member of the Council, provided always that the Committee may reinstate such membership on such terms as it thinks fit.

## **12 Meetings and Procedures**

### **12.1 The Chairman**

The National Chairman shall take the chair at all meetings of the Council and the National Executive. In his or her absence the members of the Council or the National Executive as the case may be shall appoint one of their members to act as Chairman.

### **12.2 Meetings of the National Executive**

Meetings of the National Executive may be held as and when the National Executive decides, which meetings may be by telephone hookup or other electronic form of meeting, provided that notice thereof is given by the National Secretary to members of the National Executive at least fourteen (14) days before such meeting.

### **12.3 Votes at National Executive meetings**

Each member of the National Executive shall have one vote and every question shall be decided by a majority of votes at the meeting. In the event of a tied vote the chairperson of the meeting shall exercise a casting vote.

### **12.4 Annual General Meetings**

**12.4.1** The Council shall hold an Annual General Meeting between the months of July and November of every year:

- To receive the Annual report of the National Executive.
- To receive a report showing the financial position of the Council.
- To consider motions by members of the Council, notice of which has been given in writing to the National Secretary at least twenty one (21) days prior to the date of the Annual General Meeting.
- To make, add, alter or repeal by-laws.
- To consider subscriptions and budgets (if any).
- To elect office-bearers and persons to be members of the National Executive.
- To appoint an auditor or auditors.
- To conduct such other business as is deemed necessary.

**12.4.2** A quorum for an Annual General Meeting shall be five members of the Council. ( Amended 5 December 2011)

**12.4.3** The Annual General meetings may be by telephone hookup or other electronic form of meeting, provided that notice thereof is given by the National Secretary to members at least twenty one (21) days before such meeting.

### **12.5 General Meetings of the Council**

General meetings may be held as and when the National Executive decides, which meetings may be by telephone hook-up or other electronic form of meeting, provided that notice thereof is given by the National Secretary to members at least twenty one (21) days before such meeting.

### **12.6 Special Meetings of the Council**

A Special Meeting of the Council may be called by any of the following: -

- (a) Four or more members of the National Executive.
- (b) The National Secretary on receipt of a requisition in writing stating the object of the meeting and signed by not less than fifteen members, in which event the National Secretary shall within 21 clear days call a Special Meeting of the Council notice of which shall be given to all members at least 14 clear days prior to the meeting and such notice shall state the purpose of the meeting.

## **13 The Election of Members of the National Executive**

**13.1** All nominations for the election of Officers or ordinary Members of the National Executive shall be in writing, signed both by the nominator and seconder and signed by the nominee, and shall be in the hands of the National Secretary not later than 6 pm on the day preceding the Annual General Meeting. In the event that no nomination is received or in the event that any nominee is unable or unwilling to stand for the nominated position, nominations for election may be called from the floor of the meeting, In the event of there then being no nomination from the floor of the meeting, the National Executive shall have power to fill that casual vacancy. Any Officer or ordinary Member of the National Executive who is willing to be re-elected may indicate in writing accordingly, in which event he or she shall be deemed to have been duly nominated provided that the indication is in the hands of the National Secretary not later than 6pm on the day preceding the Annual General meeting.

**13.2** In the case of any contested office, election shall occur by way of secret ballot of members present and voting at the Annual General Meeting. In the event of equality of votes for any position, the Chairman of the Meeting shall have a second or

casting vote. All candidates for election as officers of the Council (other than the National President) shall be financial members of the Council or a duly authorised representative of a Branch or Organisational Member of the Council .

**13.3** The officers of the Council shall assume their duties immediately after their election and shall continue in office until their successors are elected.

**13.4** [DELETED] (Amended 7 September 2010)

**13.5** In relation to the election of persons to be members of the National Executive and policy decisions of the Council (whenever a vote needs to be taken) Branch and Organisational Members of the Council shall be represented by one person who shall have power to register up to 5 votes in that capacity and individual members shall have the power to register one such vote.

**13.6** The conduct of election of officers and ordinary members of the National Executive shall be the responsibility of the National Executive or such other subcommittee to which the National Executive may delegate that responsibility.

**13.7** Wherever this Constitution and Rules or any By-laws made hereunder do not specify the procedure to be followed, such procedure shall be governed by Joske's "Procedure at Meetings".

## **14 Financial Year**

The financial year of the Council shall be the Period commencing on the 1st day of July in one year and ending on the 30 th day of June in the following year.

## **15 By-laws**

**15.1** The National Executive may make such By-laws not inconsistent with the Constitution of the Council as may from time to time appear necessary to regulate its officers and to facilitate the achievement of the objects and functions of the Council.

**15.2** Any By-law, which is inconsistent as aforesaid, shall be null and void.

**15.3** Any By-law may be altered, varied or repealed at any business session of the Council or of the National Executive without prior notice to members, provided that at least two-thirds of the members present and voting are in favour of such alteration, variation or repeal. Members of the Council shall be advised in writing of any such alteration, variation or repeal after the same shall have occurred.

## **16 Accounts and Audit**

**16.1** A financial statement and balance sheet for the Council shall be prepared and audited for each financial year from 1st July to the succeeding 30th June.

**16.2** The accounts of the Council shall be subject to the audit of an auditor or auditors appointed as aforesaid.

**16.3** The funds of the Council shall be banked in the name of the Council and any two of the following authorised to operate thereon:

The National Chairman  
The National Secretary  
The National Treasurer.

**16.4** When deemed necessary, the Council funds may be invested with the approval of the National Executive.

## **17 Alterations to the Constitution**

**17.1** This Constitution may be added to, amended, varied or repealed by resolution at any General or Special Meeting of the Council, provided that at least twenty eight (28) clear days' notice in writing shall have been given to all members of the Council of the intention to propose such resolution and of the precise terms of such resolution and provided further that at least two-thirds of the members present and voting thereon are in favour of such addition, amendment, variation or repeal.

**17.2** The registered rules shall bind the Council and every member to the same extent as if they had respectively signed and seated them, and agreed to be bound by all of the provisions thereof.

## **18 Resignation**

A member may resign from membership of the Council by giving written notice thereof to the National Secretary or public officer of the Council. Any member so resigning shall be liable for any outstanding subscriptions that shall be recovered as a debt due to the Council.

## **19 Expulsion of a Member**

**19.1** Subject to giving a member an opportunity to be heard or to make a written submission, the Council may resolve to expel a member upon a charge of misconduct detrimental to the interests of the Council.

**19.2** Particulars of the charge shall be communicated to the member at least one calendar month before the meeting of the Council at which the matter will be determined.

**19.3** The determination of the Council shall be communicated to the member, and in the event of an adverse determination the member shall cease to be a member 14 days after the Council has communicated its determination to him.

## **20 Borrowing Powers**

**20.1** Subject to this rule the Council may borrow money from banks or other financial institutions upon such terms and conditions as the National Executive sees fit, and may secure the repayment thereof by charging the property of the Council.

**20.2** Subject to Section 53 of the Act the Council may invite and accept deposits of money from any person on such terms and conditions as may be determined by the National Executive from time to time.

## **21 The Seal**

**21.1** The Council shall have a common seal upon which its corporate name shall appear in legible characters.

**21.2** The seal shall not be used without the express authorisation of the Council, and every use of the seal shall be recorded in the Minute Book of the Council. The affixing of the seal shall be witnessed by two members of the National Executive.

**21.3** The seal shall be kept in the custody of the National Secretary or such other person as the National Executive may from time to time decide.

## **22 Proxies**

A member shall be entitled to appoint in writing a natural person who is also a member of the Council to be his or her proxy and attend and vote at any meetings of the Council.

## **23 Prohibition against securing profits for Members**

The income and capital of the Council shall be applied exclusively to the promotion of its objects and no portion shall be paid or distributed directly or indirectly to members or their associates except as bona fide remuneration of a member for services rendered or expenses incurred on behalf of the Council.

## **24 Dissolution**

**24.1** The Council may be dissolved or wound up by resolution at any General or Special Meeting of the Council, provided that at least twenty one (21) clear days' notice in writing shall have been given to all members of the Council of the intention to propose such resolution and provided further that a majority of not less than three quarters of such members of the Council as, being entitled to do so, vote in person or by proxy at that meeting.

**24.2** Upon dissolution or winding up of the Council, all assets and funds of the Council remaining after payment of debts, expenses and liabilities, shall be handed over to such non-profit organisation as may then meet the requirements of section 505 of the INCOME TAX ASSESSMENT ACT 1997 (as amended) as a simple majority of members may decide.