



CONSTITUTION

Neighbourhood Watch Australasia Inc.

**Constitution adopted on 23rd October 2006
at the Neighbourhood Watch Australasia Conference
Adelaide, South Australia**

**incorporating amendments from the
Neighbourhood Watch Australasia Conference
Canberra, A.C.T. 10th November 2008**

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STATEMENT OF PURPOSES

The purposes for which the incorporated association is established shall be to:

1. Foster and enhance the partnership between police and the community and thereby improve the safety, security and the quality of life for all Australians and New Zealanders.
2. Provide strategic leadership for the Neighbourhood Watch Program in the various States and Territories of Australia and New Zealand.
3. Formulate strategies and policies in order to achieve the following objectives to:
 - (a) encourage community participation in building safe and confident communities;
 - (b) strengthen the partnership of police and community working together to prevent crime and increase feelings of safety;
 - (c) improve community awareness and participation in monitoring and reporting incidents affecting safety;
 - (d) deter criminal or unsafe behaviour through joint community action; and
 - (e) be actively involved in community safety and crime prevention projects, programs and education.
4. Serve as an information exchange and the primary conduit between the various Neighbourhood Watch States, Territories in Australia and New Zealand, thus facilitating the formulation and implementation of strategies and policies.

1. INTRODUCTION

1.1 Name

The name of the incorporated association is "**Neighbourhood Watch Australasia Inc.**" herein referred to as the **Association**.

1.2 Structure and Accountability

- (a) The Association is structured at State and Territory levels in Australia and in New Zealand.
- (b) This Constitution applies to and is binding on all levels of the Association.
- (c) Subject at all times to this Constitution, the structure of the Association at the State and Territory level in Australia and in New Zealand which:
 - (i) may comprise bodies with similar structures to those of the National Executive Committee and the Council of Delegates; and
 - (ii) shall, in any event, be determined at the State or Territory level in Australia and in New Zealand.

- (d) No decision of the Association pertaining to the business of the Association, its Council of Delegates or the National Executive Committee shall be binding on any State, Territory or New Zealand.

2. DEFINITIONS AND INTERPRETATION

In this Constitution unless specified to the contrary:

"Act" means the Associations Incorporation Act (ACT) 1991;

"Business Day" means a day, not being a Saturday, Sunday or public holiday, on which banks are generally open for business in Australia and New Zealand;

"By-Law" means a by-law made and approved by the Council of Delegates;

"Commissioner" means the Commissioner for the time being in charge of the Police of a State or Territory in Australia or New Zealand;

"Delegate" means an Australian State or Territory and New Zealand Volunteer Delegate, an Australian State or Territory or New Zealand Police Delegate or a Voting National Executive Committee Member;

"Financial Year" means a year ending 30th June;

"Immediate Past President" means the person who held the position of President of the Association immediately preceding the incumbent President of the Association;

"Pecuniary Interest" means having ownership, (in part or full, directly or indirectly) or control of a business or organisation or in the case of a listed public company, an interest in more than one tenth of one percent of that company's voting shares. This definition extends to Pecuniary Interests held by the immediate family of the individual concerned;

"Pecuniary Interests Register" means the register of Pecuniary Interests kept in accordance with article 11.7(b);

"Police Delegate" means an employee of the police service duly nominated by the police jurisdiction of each State or Territory of Australia and of New Zealand to represent that jurisdiction on the Council of Delegates;

"Program" means the community based crime prevention/community safety programs operating in Australia and New Zealand that comprise the membership of the Association;

"Proxy" means any person validly appointed to represent a duly nominated Police Delegate or Volunteer Delegate at meetings of the Association in the absence of that Delegate;

"Sponsor" means the companies or organisations being the principal sponsors of the Association, being the only companies or organisations entitled to promote themselves as being sponsors of the Association;

"Sponsor's Representative" means a person chosen by a Sponsor who is an officer, employee or member of the Sponsor, to represent the Sponsor;

"Volunteer Delegate" means a civilian volunteer duly nominated by the relevant member organisation(s) of each State or Territory of Australia and of New Zealand to represent that organisation(s) on the Council of Delegates.

3. MEMBERSHIP

3.1 Members

- (a) Membership of the Association shall consist of the community based crime prevention organisations and their volunteers, and the police services and their employees of each of the States and Territories of Australia and of New Zealand.
- (b) Each State and Territory of Australia and New Zealand is entitled to be represented by delegates as outlined in article 10.2.

3.2 Fee

A member shall not be required to pay entrance fees, subscriptions or any other amounts to the Association.

4. NATIONAL EXECUTIVE COMMITTEE

4.1 Membership

- (a) The National Executive Committee shall consist of the Voting and Non-Voting Committee Members as defined in articles 4.2 and 4.3.
- (b) Membership of the National Executive Committee shall be such that at all times the number of Voting Committee Members who are not Police Members shall be equal to the number of Voting Committee Members who are Police Members.
- (c) The Executive Officer, as defined in article 9.2, shall provide administrative support to the National Executive Committee but is neither a Voting Committee Member nor a Non-Voting Committee Member.

4.2 Voting Committee Members

The Voting Committee Members of the National Executive Committee shall be the Elected Officers:

- (a) President;
- (b) Vice-President;
- (c) Secretary;
- (d) Treasurer;
- (e) Volunteer Delegate Representative; and
- (f) Police Delegate Representative.

4.3 Non Voting Committee Members

The Non Voting Committee Members of the National Executive Committee shall be:

- (a) the Immediate Past President; and
- (b) any other person appointed by the National Executive Committee from time to time to provide specific expertise and advice.

5. POWERS OF THE NATIONAL EXECUTIVE COMMITTEE

5.1 General Powers

The National Executive Committee shall, subject to the Act, the Regulations, the By-Laws and this Constitution:

- (a) Control and manage the business and affairs of the Association;
- (b) Exercise all such powers and functions as may be exercised by the Association other than those powers and functions which are required under this Constitution to be exercised by the Association in Special Meetings;
- (c) Have power to perform all such acts and things as appear to the National Executive Committee to be essential for the proper management of the business and affairs of the Association which may include but is not limited to:
 - (i) the development and implementation of the strategy of the Association;
 - (ii) the development of policies and procedures for the overall conduct of the Association;
 - (iii) the corporate planning process;
 - (iv) the selection and appointment of Sponsors and supporters for the Association and the establishment of such terms of agreement to cover that arrangement;
 - (v) the preparation of an annual business plan;
 - (vi) financial planning for the future of the Association; and
 - (vii) the development and employment of routine management information systems for the Program's day to day conduct, including:
 - A financial reporting against the business plan and against agreed budgets;
 - B communication channels and procedures;
 - C annual reporting to Commissioners of Police and the Association; and
 - D monitoring and evaluation of all aspects of the conduct of the Australasian Program;

- (viii) appointing task groups or committees for the examination of issues or projects as may from time to time be deemed necessary or relevant by the National Executive Committee and ensuring that these groups or committees report to the National Executive Committee;
- (ix) appointing a consultant or other person to the National Executive Committee (as Non-Voting Committee Members) when deemed necessary;
- (x) employing any person to perform services for the Association or the National Executive Committee;
- (xi) appoint a serving Police Officer, Police staff member or an individual, who may act in an honorary capacity or be paid to perform the role, as Executive Officer and review that appointment as appropriate;
- (xii) determining the remuneration, if any, to be received by any person appointed pursuant to articles 5.1 (c)(ix) and 5.1 (c)(xi) or employed pursuant to article 5.1(c)(x); and
- (xiii) the power to make, alter and/or repeal any decision made by any persons or committees referred to in article 5.2.

5.2 Committees and Delegation

- (a) The National Executive Committee may delegate any of its powers (except the power to delegate) to a committee of members, a member, or any other person or persons.
- (b) The National Executive Committee may revoke or vary any power delegated under article 5.2(a).
- (c) A committee, member or other person shall exercise the powers delegated and shall organise themselves and meet in accordance with any directions of the National Executive Committee.
- (d) Subject to article 5. 1(c)(xii), the exercise of a delegated power by the committee or delegate is as effective as if the National Executive Committee exercised the power.
- (e) Subject to article 5.2(c), committees may meet when they choose and in the manner of their choosing.

6. PROCEEDINGS OF THE NATIONAL EXECUTIVE COMMITTEE

6.1 Meetings

The National Executive Committee shall meet not less frequently than quarterly in each year at such place and at such times and in such manner as the National Executive Committee may determine. Costs associated with said meetings shall be paid by the Association.

6.2 Special National Executive Committee Meetings

- (a) Special National Executive Committee Meetings may be convened by the President or any two (2) Voting National Executive Committee Members. The President or the two Voting Committee Members calling a Special National Executive Committee Meeting may specify that only Voting National Executive Committee Members may attend that Special Meeting.
- (b) No less than five (5) business days written notice shall be given to the other Committee Members by the President or the Voting Committee Members calling a Special National Executive Committee Meeting. Written notice of such Special National Executive Committee Meeting shall specify the general nature of business to be transacted. No other business may be transacted at a Special National Executive Committee Meeting.

6.3 Quorum

- (a) Subject to article 6.3(b) any four (4) Voting Members (one of whom shall be a Police Member) shall constitute a quorum for the transaction of all business at National Executive Committee Meetings.
- (b) No business may be transacted at a National Executive Committee Meeting unless a quorum is present. If a quorum is not present within half an hour of the time appointed for the National Executive Committee Meeting, then the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless such meeting was a Special Committee Meeting in which case it shall lapse.

6.4 Chairperson

The President, and in the President's absence, the Vice-President shall preside at all meetings of the National Executive Committee. The National Executive Committee may appoint a Non Voting Member to chair such meeting if required.

6.5 Voting

- (a) Questions arising at a National Executive Committee Meeting shall be determined on a show of hands in a face to face meeting or in a manner as determined by the National Executive Committee in non-face to face meetings.
- (b) Each Voting Committee Member present at a National Executive Committee Meeting is entitled to one (1) vote and if there is an equality of votes on a question, the question shall be resolved in the negative.
- (c) Non Voting Committee Members attending meetings of the National Executive Committee do so in an advisory capacity only and, while they may participate in debate and discussions, they are not entitled to vote on any question arising.

6.6 Notice of Meetings

- (a) National Executive Committee Meetings may be held on a regular basis, otherwise notice of each National Executive Committee Meeting shall be served on each Committee Member not less than five (5) business days before the scheduled date of such meeting.

- (b) If notice of a Committee Meeting is not given to all Non Voting Committee Members and the meeting is subsequently held with a quorum in attendance, then the failure to give notice of the Committee Meeting to all Non Voting Committee Members shall not be grounds to invalidate any business transacted at that Committee Meeting (including resolutions made).

6.7 Pecuniary Interest

- (a) A person present at the National Executive Committee Meeting (whether entitled to vote or not) shall declare to the National Executive Committee any Pecuniary Interest held in any business or organisation or any interest directly held by any immediate family member with whom the National Executive Committee is considering entering into a financial agreement with. That person shall not be entitled to vote in, nor be party to, any discussions relating to the decision to enter that agreement.
- (b) A Pecuniary Interests Register listing all items declared as Pecuniary Interest since the previous AGM, shall be presented to the AGM of the Association.

7. NATIONAL ANNUAL GENERAL MEETING

7.1 Meeting

- (a) The National Executive Committee shall determine the date, time and place of the AGM which shall coincide with the Annual Neighbourhood Watch Australasian Conference.
- (b) Notwithstanding article 7.1(a), the Act requires and the National Executive Committee shall ensure that an AGM takes place in each calendar year but no later than fifteen (15) months after the previous AGM and no later than 5 months after the end of the Financial Year.
- (c) The AGM shall be in addition to any Special Delegates Meetings held in the same year.

7.2 Notice

The Secretary shall at least thirty (30) days before the date fixed for holding of the AGM give notice of such AGM, such notice to specify that the meeting is an AGM, to state the place, date and time of the AGM, and to specify the nature of the business to be transacted.

7.3 Ordinary Business

The ordinary business of the AGM shall be to:

- (a) Confirm the minutes of the previous AGM and those of any subsequent Special Delegates Meetings;
- (b) Receive from the National Executive Committee the audited reports of the financial accounts of the Association for the previous Financial Year;

- (c) Receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act;
- (d) Appoint, reappoint or replace the Auditor;
- (e) Receive the Pecuniary Interests Register; and
- (f) Conduct as necessary any election for the following National Executive Committee positions:
 - (i) President;
 - (ii) Vice-President;
 - (iii) Secretary;
 - (iv) Treasurer;
 - (v) Volunteer Delegate Representative;
 - (vi) Police Delegate Representative.

7.4 Special Business

The AGM may transact special business of which thirty (30) days' notice is given in accordance with this Constitution.

8. ELECTION OF NATIONAL EXECUTIVE COMMITTEE MEMBERS

8.1 Returning Officer

The Returning Officer shall be the Executive Officer or a person nominated by the Executive Officer.

8.2 Nominations

- (a) Nominations of candidates shall be delivered to the Executive Officer at least 24 hours prior to the proposed election and shall be submitted on the approved nomination form and signed by two appropriate Members as required by article 8.3 and in the case of a nominee for the position of Treasurer, shall attach evidence of the nominee's financial skills which shall be acceptable to the Executive Officer.
- (b) A Volunteer Delegate or Police Delegate may accept a nomination for more than one position, however, if that Delegate is elected to more than one position, the Delegate shall select which position they want to hold on the day of the election. The position or positions they do not select shall be given to a second candidate if there were only two nominations. Otherwise a new election shall be held from the remaining candidates.
- (c) If only one person is nominated for each position then the person nominated shall be deemed to be elected.
- (d) If more than one person is nominated for a particular position, a ballot shall be conducted for that position at the AGM in accordance with article 8.5.

- (e) If insufficient nominations are received, further nominations shall be called for at the meeting.

8.3 Elected Positions

- (a) Any Volunteer Delegate or a serving Police Member may be nominated for one or more of the following positions, any three of which shall be filled by a Volunteer Delegate:
 - (i) President;
 - (ii) Vice-President;
 - (iii) Secretary;
 - (iv) Treasurer;
 - (v) National Volunteer Delegate Representative;
 - (vi) National Serving Police Member Representative;

although that nomination shall only be valid if signed by two Members and accompanied by written consent of the candidate.

8.4 Voting

Voting, including a ballot conducted in accordance with article 8.5, may be conducted at an AGM, Special Delegates Meeting or by postal vote.

8.5 Ballot

A ballot required under article 8.2(d) shall be conducted in accordance with the following procedure:

- (a) The ballot shall be secret;
- (b) Voting rights shall be restricted in the manner set out in article 6.5;
- (c) The Returning Officer shall collect and tally the votes on the ballots;
- (d) If there are two or more candidates:
 - (i) the ballot shall be conducted by preferential voting in a manner that requires the sequential numbers 1, 2 etc ("First Preference", "Second Preference" etc) and ending with a number equal to the total number of candidates, to be placed next to each candidate's name in the order in which the person voting ranks the candidates. The ballot shall be invalid if it is not completed in accordance with this article 8.5(d);
 - (ii) in the case of two candidates, the winning candidate shall be the candidate with the greater number of First Preferences; and
 - (iii) in the case of three or more candidates, a candidate with a clear majority of votes shall be declared the winner, otherwise, the votes of the lowest candidate shall be distributed to the remaining candidates until one candidate has a clear majority of votes.

- (e) In the event of a tied vote, where it is ascertained that one or more of the votes were informal a second vote shall be held; and
- (f) In the event of a tied vote where it is ascertained that there were no informal votes or in the event of a tied vote after the second vote referred to in article 8.5(e), the successful candidate shall be chosen by a random method that accords each candidate an equal chance of being elected.

8.6 Terms of Office and Casual Vacancies

- (a) Elected members of the National Executive Committee shall hold their positions until the AGM three (3) years following their election.
- (b) Elected members are eligible for re-election at the expiration of each term.
- (c) In the event of a casual vacancy occurring in the office of an elected National Executive Committee Member, and if the vacancy occurs before 30 June of the year the National Executive Committee Member was elected, the National Executive Committee shall conduct an election at a Special Delegates Meeting or by postal vote to fill such vacancy. The Member so elected shall hold office, subject to this Constitution, until the third AGM following the date of the election.
- (d) A casual vacancy shall be deemed to have occurred if a Committee Member:
 - (i) dies, becomes incapacitated or resigns;
 - (ii) has disciplinary action taken against him or her under article 13.2;
 - (iii) absents himself or herself from three (3) consecutive, properly convened, ordinary meetings of the National Executive Committee, without first having made an application for leave of absence and been granted such leave of absence, or without an apology having been received and accepted for each meeting.

9. THE PRESIDENT, EXECUTIVE OFFICER, SECRETARY, TREASURER

9.1 The President

The President shall provide leadership to the National Executive Committee and Council of Delegates and represent the organisations of all States, Territories and New Zealand without favour.

9.2 Executive Officer

The Executive Officer shall hold such position for any period as determined by the National Executive Committee or until he or she resigns, and shall:

- (a) Provide administrative support for the National Executive Committee;
- (b) Provide a liaison function with State/Territory/NZ Neighbourhood Watch Organisations;

- (c) Organise the AGM and Conference with the assistance of the State/Territory or New Zealand convener nominated for that year;
- (d) Promote the Neighbourhood Watch Program in the community;
- (e) Oversee the maintenance of the Registers held at the National level which contain:
 - (i) the name and address of each Member; and
 - (ii) the date on which each Member's name was entered in the Register;
- (f) Keep minutes of resolutions and proceedings of all Meetings and the names of all persons present or deemed present (as the case may be), and apologies at such meetings;
- (g) Conduct the elections for the National Executive Committee; and
- (h) Identify and provide advice to the Committee on any issues relevant to corporate governance.

9.3 Secretary

The Secretary shall:

- (a) Record minutes of resolutions and proceedings of all meetings together with a record of the names of persons present at the meeting, and apologies at such meetings; and
- (b) Receive and send correspondence on behalf of the Association.

9.4 Treasurer

The Treasurer shall, in relation to the Association at the National level:

- (a) Collect and receive all moneys due and receivable by the Association and make all payments authorised by the Association;
- (b) Keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association; and
- (c) Submit a financial report in relation to the Association at each Committee Meeting and to meetings of the Council of Delegates as required.

10. THE COUNCIL OF DELEGATES

10.1 Aims

Within the Association there shall be a Council of Delegates whose specific aims (in addition to the Association's Statement of Purposes) are to:

- (a) serve as an information exchange and as the primary communication between the organisations in the States, Territories and New Zealand and the National Executive Committee;
- (b) provide advice on program initiatives and strategies to the National Executive Committee; and
- (c) report to the National Executive Committee on the status of the organisation(s) in the States, Territories and New Zealand and progress being made towards the accomplishment of program strategies.

10.2 Membership

- (a) Membership of the Council of Delegates shall comprise and be limited to the following persons:
 - (i) one (1) Volunteer Delegate from each of the States and Territories of Australia and of New Zealand;
 - (ii) one (1) Police Delegate from each of the States and Territories of Australia and of New Zealand;
 - (iii) the incumbent National Executive Committee; and
 - (iv) the Executive Officer.
- (b) Where a State/Territory/New Zealand cannot provide one (1) Volunteer Delegate and one (1) Police Delegate, that State/Territory/NZ may provide two (2) Volunteer Delegates or two (2) Police Delegates as appropriate;
- (c) Upon election to the National Executive Committee, a member may relinquish their status as a Delegate and their State/Territory/New Zealand may appoint another Delegate pursuant to this Article providing:
 - (i) no State/Territory/New Zealand shall have more than three (3) voting members on the Council of Delegates at any time, and
 - (ii) Members of the National Executive Committee who retain their status as a delegate shall only be entitled to one vote.

10.3 Meetings

- (a) The Council of Delegates shall meet not less frequently than once in each calendar year at such place and at such times as the National Executive Committee may determine; and
- (b) The Council of Delegates may meet on the same day as a Special Delegates Meeting or an AGM.

11. SPECIAL DELEGATES MEETINGS

- (a) The National Executive Committee may resolve to convene a Special Delegates Meeting of the Association on the day of the next National Executive Committee Meeting or as and when deemed necessary.
- (b) The National Executive Committee shall, on the written request of no less than five (5) Delegates, convene a Special Delegates Meeting.
- (c) The written notice under article 11(b):
 - (i) shall state the objects of the meeting;
 - (ii) shall be signed by no less than five (5) Delegates concerned;
 - (iii) shall be served on the Executive Officer; and
 - (iv) may consist of several documents in a like form each signed by the Delegates concerned.
- (d) If the National Executive Committee fails to hold a Special Delegates Meeting on the day of the next National Executive Committee Meeting, to which at least 30 days written notice is given to the Executive Officer, the Delegates concerned may convene a Special Delegates Meeting to be held not later than three (3) months after that date by giving written notice to all Delegates.
- (e) A Special Delegates Meeting convened by Delegates under article 11(d) shall be convened in the same manner or as near as possible as to the Proceedings in article 12 and all reasonable expenses incurred by the Delegates concerned shall be reimbursed by the Association.

12. PROCEEDINGS AT SPECIAL DELEGATES MEETINGS AND THE AGM

12.1 General

- (a) All business which is transacted at an AGM (with the exception of that specially referred to in article 7.3 as being ordinary business) and all business transacted at a Special Delegates Meeting shall be deemed to be Special Business.
- (b) A Delegate shall be deemed present whether personally present or represented by Proxy.

12.2 Quorum

- (a) Any ten (10) Delegates deemed present shall constitute a quorum for the transaction of the business.
- (b) No business may be transacted unless a quorum is present and if, within half an hour of the time appointed for such a meeting a quorum is not present, the meeting:

- (i) if it is an AGM, shall stand adjourned to the same place, on the same day and at the same hour in the following week; or
- (ii) if it is a Special Delegates Meeting, the business shall lapse.

12.3 Chairperson

- (a) The President shall preside as Chairperson.
- (b) If the President is absent from the Meeting (even if represented by Proxy) and the Vice-President is present, then the Vice-President shall preside as Chairperson at the meeting.
- (c) If the President and the Vice-President are both absent (even if represented by Proxies), the Members deemed present shall elect one of their number to preside as Chairperson of the meeting.
- (d) For the purpose of chairing meetings the Council of Delegates may elect a Non-Voting member of the Council as an independent Chairperson.

12.4 Adjournment of Meetings

- (a) The Chairperson may, with the consent of the Delegates deemed present, adjourn the meeting from time to time and place to place, but no business may be transacted at an adjourned time or place other than the business left unfinished at the meeting at which the adjournment took place.
- (b) Where a Special Delegates Meeting is adjourned for fourteen (14) days or more, notice of the new time and place shall be given by the Secretary to all Delegates as if it were a new Special Delegates Meeting.

12.5 Voting

- (a) Each Delegate deemed present at a meeting is entitled to one (1) vote.
- (b) When a Delegate is not personally present at a meeting, any Proxy appointed by the Delegate Member shall be entitled to that vote.
- (c) All questions arising in a face to face meeting shall be determined by a simple majority on a show of hands (unless a poll is required under article 12.6) or in a manner as determined by the Council of Delegates in non face to face meetings.
- (d) A declaration by the Chairperson that a resolution has, on a show of hands or other manner (as per article 12.5(c)) been carried, carried unanimously, or carried by a particular majority or alternatively lost, shall be evidence of that fact without proof of the number or proportion of the votes recorded in favour of or against that resolution, provided such resolution is entered in the minute book of the Association.
- (e) In the case of an equality of voting on a question arising, the question shall be resolved in the negative.

12.6 Poll

- (a) If at a meeting a poll on any question is demanded by not less than five delegates, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (b) A poll which is demanded on the election of a Chairperson or on a question of an adjournment shall be taken immediately.
- (c) A poll that the Chairperson demanded on any question shall be taken at such time before the close of the meeting as the Chairperson may direct.
- (d) Members who are not Delegates may attend a Meeting but such Members do not have the right to:
 - (i) vote at; or
 - (ii) receive any notice of
 - a Special Delegates Meeting or an AGM and may only participate in debate or discussion with the approval of the Chairperson, such approval to be given or withheld at the Chairperson's absolute discretion.

12.7 Proxies

Each Delegate is entitled to appoint another Member as a Proxy by notice to the Executive Officer given in the form set out in Appendix 2 no later than 24 hours before the time of the meeting in respect of which the Proxy is appointed.

12.8 Special Resolutions

- (a) A special resolution requires thirty (30) days written notice to be given to all Delegates and the notice shall specify the intention to propose the resolution as a special resolution.
- (b) A special resolution may only be adopted if it is passed by a majority vote of three quarters of the Delegates at a Special Delegates Meeting or at an AGM.

13. RESIGNATION AND EXPULSION OF MEMBERS

13.1 Resignation

For the purpose of this Constitution a Member ceases to be a Member if he or she resigns.

13.2 Expulsion or Suspension

- (a) The Council of Delegates may by resolution expel a Member or suspend a Member for a specified period if the National Executive Committee is of the opinion that the Member concerned has:

- (i) refused or neglected to comply with the By-Laws and/or this Constitution;
or
 - (ii) been guilty of conduct unbecoming a Member and/or prejudicial to the interests of the Association.
- (b) If a Member is expelled or suspended for a specified period under article 13.2(a) and that Member is also a Committee Member or Delegate, such expulsion or suspension shall also apply to that Member's capacity as a Committee Member or Delegate.
- (c) A resolution of the National Executive Committee under article 13.2(a) shall not take effect unless either:
- (i) at a Special Committee Meeting held not earlier than fourteen (14) days and not later than twenty-eight (28) days after the service on the Member concerned of the notice under article 13.3 a resolution is made confirming the earlier resolution; or
 - (ii) where the Member concerned exercises a right of appeal to the Association under sub-article 13.3(a)(iv)C and the resulting Special Delegates Meeting confirms the earlier resolution.

13.3 Notice

- (a) If the National Executive Committee passes a resolution under article 13.2 the Executive Officer shall, as soon as practicable, serve on the member concerned written notice:
- (i) Setting out the resolution and the grounds on which it is based;
 - (ii) Stating that the Member may address the Council of Delegates at a Special Meeting (to be held not earlier than fourteen (14) and not later than twenty-eight (28) days after service of the notice);
 - (iii) Stating the time, date and place of the Special Meeting; and
 - (iv) Informing the Member that he or she may do one or more of the following:
 - A Attend the Special Meeting;
 - B Give to the Council of Delegates before the Special Meeting a written statement seeking the revocation of the resolution; or
 - C Not later than twenty-four (24) hours before the date of the Special Meeting, lodge with the Executive Officer a notice to the effect that he or she wishes to appeal to the Association at a Special Delegates Meeting against the resolution.
- (b) At the Special Meeting held under this article 13.3, the Council of Delegates shall:
- (i) Give to the Member concerned an opportunity to be heard;
 - (ii) Give due consideration to any written statement submitted by the Member concerned; and

- (iii) By resolution determine whether to confirm or revoke the earlier resolution.

13.4 Appeal

- (a) If the Executive Officer receives a notice under article 13.3(a)(iv)C he or she shall notify the Council of Delegates which shall thereupon convene a Special Delegates Meeting to be held within one (1) month after the date on which the Executive Officer receives the notice.
- (b) At a Special Delegates Meeting convened under article 13.4(a):
 - (i) No business other than the question of the appeal may be transacted;
 - (ii) The Council of Delegates may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
 - (iii) The Member concerned shall be given an opportunity to be heard; and
 - (iv) The Members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (c) If at the Special Delegates Meeting, at least three quarters of the Delegates vote in person or by Proxy in favour of the confirmation of the resolution then the resolution is confirmed. In any other case, the resolution is revoked.

14. GRIEVANCE

If a dispute arises between a Member and another Member, or between a Member and the Association, the procedure for resolution of that dispute shall be as follows:

- (a) The parties to the dispute shall meet face to face or in another manner mutually agreeable and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all the parties;
- (b) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, the parties shall, within fourteen (14) days, hold a meeting in the presence of a mediator;
- (c) The mediator shall be:
 - (i) A person chosen by agreement between the parties; or
 - (ii) In the absence of agreement, a person chosen by the National Executive Committee;
- (d) A member may be a mediator;
- (e) The mediator may not be a party to the dispute;
- (f) The parties to the dispute shall, in good faith, attempt to settle the dispute by

mediation;

- (g) The mediator, in conducting the mediation process, shall:
 - (i) Give the parties to the mediation process every opportunity to be heard;
 - (ii) Allow due consideration by all parties of any written statement submitted by any party; and
 - (iii) Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (h) The mediator shall not determine the dispute; and
- (i) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

15. AUTHORISATION OF ASSOCIATION EXPENDITURE

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by:

- (a) Any two (2) Voting Committee Members; or
- (b) A Voting Committee Member and the Executive Officer.

16. COMMON SEAL

- (a) The common seal of the Association ("Common Seal") shall be kept in the custody of the Public Officer.
- (b) The Common Seal may not be affixed to any document except under the authority of the National Executive Committee and when affixed shall be attested by the signatures of two (2) Voting Committee Members.

17. PUBLIC OFFICER

- (a) The Association shall at all times have a Public Officer who shall be:
 - (i) a resident of the Australian Capital Territory;
 - (ii) a Council of Delegates Member;
 - (iii) appointed by resolution at an National Executive Committee Meeting; and

- (b) If the position of Public Officer becomes vacant, the National Executive Committee shall, in accordance with the Act, within fourteen (14) days after the vacancy arises, appoint a person to fill the vacancy.

18. ALTERATION OF CONSTITUTION AND STATEMENT OF PURPOSES

- (a) This Constitution and the Statement of Purposes of the Association may be amended or repealed by Special Resolution, the notice for which is endorsed by the President or any five (5) Delegates.
- (b) The Public Officer shall within twenty-eight (28) days of the passing of a Special Resolution altering the Statement of Purposes or this Constitution, lodge with the Registrar notice in writing of the Special Resolution setting out particulars of the alteration, together with the declaration signed by at least two Committee Members to the effect that the Special Resolution was passed in accordance with the Act, together with the prescribed fee.

19. NOTICE

- (a) Any notice or other document under this Constitution may be made or given by the person wishing to serve the notice or document and shall be sufficiently served or delivered if:
 - (i) Served or delivered personally on the recipient or recipients;
 - (ii) Posted by pre-paid post addressed to the recipient or recipients at his, her or their address as set out in the Register; or
 - (iii) Served or delivered electronically or by fax to the recipient or recipients at his, her or their electronic address or the fax number set out in the Register.
- (b) Service or delivery of any notice or document under this Constitution shall be deemed to have been made or given at 12:00 noon on the Business Day following:
 - (i) Posting, if served or delivered by post;
 - (ii) Fax transmission, if served or delivered by fax, provided that the sender's transmission report shows that the whole notice was sent to the correct fax number; or
 - (iii) Electronic transmission, if served or delivered electronically.

20. CUSTODY OF RECORDS AND INSPECTION

- (a) The Treasurer shall keep in his or her custody or under his or her control all

accounts, books, documents, securities and other financial records of the Association.

- (b) All books, documents, securities and other records of the Association (including this Constitution) shall be available for inspection by any Member free of charge on request to the Executive Officer.

21. FUNDS

The funds of the Association ("**Funds**") shall be derived from sponsorship and such other sources as the National Executive Committee determines from time to time.

22. AUDITOR

The certified accountant ("**Auditor**") appointed by the Association at an AGM shall:

- (a) Audit the books of account and financial statements of the Association;
- (b) Immediately after the expiration of each Financial Year, examine the accounts of the Association at the National level and certify the correctness of the balance sheet and statement of receipts and payments; and
- (c) Generally ensure that the Association conforms with the relevant provisions of the Corporations Act 2001 (Commonwealth) and related regulations, the Act and the Regulations.

23. WINDING UP OR CANCELLATION

If the Association is wound up or has its incorporation cancelled the assets shall be disposed of to one or more of the following:

- (a) An organisation with objectives similar to those of the Association; or
- (b) A fund which has a philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, community safety, education or charity, and including the benefiting of a fund certified to be a patriotic fund under section 24 of the Patriotic Funds Act 1958 (Vic), or the fund of the Australian Red Cross Society; or
- (c) A community or charitable organisation.

APPENDIX 1: NOMINATION FORM FOR THE NATIONAL EXECUTIVE COMMITTEE

I,	(name)
of	(address)

.....
(signature)

being a representative of Neighbourhood Watch Australasia Inc. ("Association") and

I,	(name)
of	(address)

.....
(signature)

also being a representative of Neighbourhood Watch Australasia Inc. ("Association")

Nominate	(name)
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For the position of:

Position	Please tick
President	<input type="checkbox"/>
Vice President	<input type="checkbox"/>
Secretary	<input type="checkbox"/>
Treasurer	<input type="checkbox"/>
Volunteer Delegate Representative	<input type="checkbox"/>
Police Delegate Representative	<input type="checkbox"/>

Nominee's Concurrence

I,	(name)
of	(address)

Accept the above nomination

DATED this		day of		20	
------------	--	--------	--	----	--

.....
(signature)

APPENDIX 2: FORM OF APPOINTMENT OF PROXY

I,	(name)
of	(address)

being a member of Neighbourhood Watch Australasia Inc. ("Association"):

APPOINT	The NATIONAL PRESIDENT of the Association, or in the NATIONAL PRESIDENT's absence, the Proxy of the NATIONAL PRESIDENT	(tick)
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OR

APPOINT	(name)	
of	(address)	
	also being a member of the ASSOCIATION	(tick)

as my proxy to vote for me on my behalf at:

the Annual General Meeting / Special Meeting * to be held on	
(date)	and at any adjournment of that meeting.

My Proxy is authorised to vote as indicated below for the following resolution/s (and where I make no election my Proxy may vote as they choose):

Resolution	For	Against	Abstain

DATED this		day of		20	
------------	--	--------	--	----	--

.....
(signature)

* delete as required