

**CONSTITUTION OF THE
PROBATION AND COMMUNITY CORRECTIONS OFFICERS' ASSOCIATION**

INCORPORATED

**ADOPTED AT THE INAUGURAL GENERAL MEETING
PARRAMATTA NSW
31 AUGUST 1998**

**FOR REVIEW AT THE ANNUAL GENERAL MEETING
SYDNEY NSW
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Part 1 - Preliminary

1. Definitions

(1) In this constitution:

Association means the Probation and Community Corrections Officers' Association (Australia). The Association may also use the acronym PACCOA.

Affiliate Association is an incorporated association which is representative of workers in the fields of offender management, and which has aims and objectives similar to the Association and is recognised as such by the Association and which enters an affiliation agreement with the Association pursuant to Part 3 (3)

Members means financial members of the Association.

Associate member means a category of member which is unable to be elected to the executive or hold voting rights.

Executive means the Executive Committee of the Association.

Office Bearers are as defined in Section 15 (3) of this constitution.

Director-General means the Director-General of the Department of Services, Technology and Administration (NSW).

Ordinary committee member means a member of the Executive Committee who is not an office-bearer of the Association.

Secretary means:

(a) the person holding office under this constitution as secretary of the association, or

(b) if no such person holds that office - the public officer of the association.

Special general meeting means a general meeting of the association other than an annual general meeting.

The Act means the *Associations Incorporation Act 2009*.

The Regulation means the *Associations Incorporation Regulation 2010*.

Jurisdiction refers to the domain extended over by a State or Territory of the Commonwealth of Australia with particular reference to the administration of justice and offender management within that domain.

The public officer means that person appointed to that office by the Executive under the terms of the Act.

(2) In this constitution:

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

Part 2 - Membership

3. Membership Generally

- (1) A person is eligible to be a member of the association if:
 - a) the person is a natural person, and
 - b) the person has been nominated and approved for membership of the association, and
 - c) the person is or was employed in offender management or a related field or non-government organisation or related agency, and
 - d) the Executive determines the person to be a member.
- (2) A person is an affiliated member of the Association if the person is a member of an affiliated organisation in accordance with the affiliated organisation's constitution.
- (3) A person is an honorary member if:
 - a) the person is other than a serving Community Corrections Officer, Probation and / or Parole Officer, or
 - b) the person is in training within the field of offender management, or
 - c) the person is a volunteer in the field of offender management, or
 - d) the person has made a significant contribution to the Association or to the management of offenders, and
 - e) the Executive determines the person to be an honorary member.
- (4) A person is an associate member if:
 - a) the person elects to become an associate member on retirement or similar
 - b) the person works or has worked in the management of offenders outside Australia
 - c) the person works or has worked in the management of offenders or in a related field for another government or non-government agency
 - d) and the Executive determines the person to be an associate member.
- (5) An organisation is a corporate associate member if:
 - a) the organisation maintains an interest in offender management
 - b) the Executive determines the organisation to be a corporate member
- (6) A person is taken to be a member of the association if the person was one of the individuals on whose behalf an application for registration of the association under section 5(1)(a) of the Act was made.

4. Nomination for Membership

- (1) Except where a person holds membership of the Association by being a member of an affiliated association, nomination of a person for membership of the Association shall be:
 - a. made by a prospective member in writing in a form set out in Appendix 1
 - b. nominated and seconded by two current members of the Association
 - c. lodged with the Secretary of the Association
- (2) Application for corporate associate membership may be made in writing to the Secretary.
- (3) As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee which is to determine whether to support or reject the nomination
- (4) As soon as practicable after the committee makes that determination, the secretary must:
 - a. Notify the nominee in writing that the committee supported or rejected the nomination (whichever is applicable) and
 - b. If the committee approved the nomination, request the nominee to pay (within the period of

28 days after receipt by the nominee of the notification) the sum payable under this constitution by a member as a subscription.

- (5) Payment of Association subscriptions may be made:
 - a. When the nominee completes and lodges a salary deduction form, Appendix 2, with his/her employer and the employer agrees to make deductions from the nominee's salary and forward them to the Association or
 - b. the applicant pays subscriptions directly to the Treasurer of the Association
 - c. where the member is a member of an affiliated association and the Treasurer of the Association receives the agreed subscription from the affiliated association
- (6) The executive must on payment by the nominee of the amounts referred to in subclause (4) (b) within the period referred to in that provision, enter or cause to be entered the nominee's name in the register of members
- (7) On the nominees name being so entered, the nominee becomes a member of the Association.

5. Cessation of Membership

- (1) A person ceases to be a member of the association if the person:
 - (a) dies, or
 - (b) resigns membership, or
 - (c) is expelled from the association, or
 - (d) fails to pay the membership fee within 3 months after the fee is due, unless extension is granted by the executive.
- (2) A corporate associate member ceases to be a member of the Association if:
 - a) it resigns that membership
 - b) is expelled from the Association
 - c) fails to pay the membership fee within 3 months after the fee is due, unless extension is granted by the executive or
 - d) it ceases to operate or employ staff in the field of offender management.

6. Membership Entitlements are Not Transferable

- A right, privilege or obligation which a person has by reason of being a member of the Association;
- a) is not capable of being transferred or transmitted to another person; and
 - b) terminates upon cessation of the person's membership.

7. Resignation of Membership

- (1) A member of the association may resign from membership of the association by first giving to the secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) Where a member of an affiliated association resigns from the affiliated association in accordance with that association's rules, he/she is considered as having resigned from the Association upon notification from the affiliate association.
- (3) If a member of the association ceases to be a member the executive must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

8. Register of Members

- (1) The public officer of the association must establish and maintain a register of members of the association specifying the name and postal or residential address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales:
 - (a) at the main premises of the association, or
 - (b) if the association has no premises, at the association's official address.
- (3) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (4) A member of the association may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

9. Fees and Subscriptions

- (1) A member of the Association must, on admission to membership, pay to the association a fee of \$1 or the membership fee determined by the committee.
- (2) In addition to any amount payable by the member under subclause (1), a member of the Association must pay to the association an annual membership fee as determined at the AGM
- (3) Unless a member of an affiliate association, membership fees are to be paid:
 - a. Within 3 months of the AGM or
 - b. Where a member elects to pay his/her annual subscription by way of other agreed regular instalments
- (4) The fee for associate membership will be determined at the AGM and shall become payable within three months of the AGM
- (5) Where a member pays the sum determined at that AGM a proportion, as determined at the AGM, will be held in trust for that state. Moneys held in trust for members in this way are to be used in accordance with subsection 7
- (6) Affiliate associations are to pay membership fees as per their affiliation agreement.
- (7) Moneys held in trust in accordance with subsection 5 shall be made available to members from individual jurisdictions to fund professional development or other activities as approved by the Executive.
 - a. Grants made in accordance with this subsection should not exceed the amounts held in trust for that jurisdiction, unless considered appropriate by the executive, taking into account that jurisdiction's capacity to accrue sub funds.
 - b. The executive may use money held in trust to promote professional development by members within the jurisdictions.
 - c. These funds should also be used to support membership drives in the respective jurisdictions where possible.

10. Members' Liabilities

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by clause 9.

11 Resolution of Disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, is to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

12. Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of the association:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has wilfully acted in a manner prejudicial to the interests of the association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
 - (a) must cause notice of the complaint to be served on the member concerned, and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 13.
- (6) The expulsion or suspension does not take effect until:
 - (a) the expiration of the period within which the member is entitled to appeal against the resolution concerned,or, if within that period the member exercises the right of appeal, : unless and until the association confirms the resolution under clause 13,
whichever is the later.

13. Right of appeal of disciplined member

- (1) A member may appeal to the association in general meeting against a resolution of the committee under clause 12, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under subclause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the association.

Part 3 - The Executive

14. Powers of the executive committee

(1) Subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting, the executive:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

(2) The Executive may enact by-laws as may be necessary for the proper conduct of the business of the Association and shall notify the members by appropriate means. Such by-laws are to have immediate effect until the next Annual General Meeting of the Association when they must be ratified or rescinded.

15. Composition and membership of committee

(1) The committee is to consist of:

- (a) the office-bearers of the association, and
- (b) at least 3 ordinary committee members,

(2) The total number of committee members is to be no more than 16;

- (a) consisting of one delegate and one sub-delegate from each jurisdiction
- (b) the sub-delegate may deputise for the delegate
- (c) each jurisdiction has one vote on the executive
- (d) sub-delegates may be appointed to office bearing positions

(3) The office-bearers of the association are as follows:

- (a) the president,
- (b) the vice-president,
- (c) the treasurer,
- (d) the secretary,
- (e) the membership coordinator.

(4) A committee member may hold up to 2 offices (other than both the president and vice-president offices).

(5) Each member of the committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

(6) A public officer is to be appointed as per the Act, this person need not be a member of the executive

16. Election of committee members

(1) Nominations of candidates for election to the executive of the association:

- (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination,

attached in Appendix 5), and

- (b) must be delivered to the secretary of the association prior to the commencement of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers is to be conducted in such usual and proper manner as the committee may direct within one month of the AGM.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a voting member of the association.
- (8) One delegate and sub-delegate are elected by members in each jurisdiction either prior to or at the AGM.

17. Secretary

- (1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office-bearers and members of the committee, and
 - (b) the names of members of the committee present at a committee meeting or a general meeting, and
 - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed (which may include electronic signatures) by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

18. Treasurer

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.
- (c) that a financial report is provided to each executive meeting.

19. Casual vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies, or

- (b) ceases to be a member of the association, or
- (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under clause 20, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
- (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

20. Removal of committee members

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing (not exceeding a reasonable length) to the secretary or president and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

21. Committee meetings and quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine. Such meetings may be held by teleconference, audio-visual link or any other means as the committee deems appropriate.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
 - (a) the president or, in the president's absence, the vice-president is to preside, or

- (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

22. Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn as it thinks proper.

23. Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to clause 21 (5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part 4 - General meetings

24. Annual general meetings - holding of

- (1) The association must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) The association must hold its annual general meetings:
 - (a) within 6 months after the close of the association's financial year, or
 - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.
- (3) participation in the AGM using technology may be permitted at the discretion of the Executive.

25. Annual general meetings - calling of and business at

- (1) The annual general meeting of the association is, subject to the Act and to clause 24, to be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting(s) held since that meeting,
 - (b) to receive from the committee reports on the activities of the association during the last preceding financial year,
 - (c) to elect office-bearers of the association and ordinary committee members, and
 - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

26. Special general meetings - calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting, and
 - (b) must be signed by the members making the requisition, and
 - (c) must be lodged with the secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

27. Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 25 (2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

28. Quorum for general meetings

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Five members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

29. Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

30. Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

31. Making of decisions

- (1) A question arising at a general meeting of the association is to be determined by either:
 - (a) a show of hands, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

32. Special resolutions

- (1) A resolution is passed by an association as a "special resolution" :
 - a) at a meeting of the association of which notice has been given to its members no later than 21 days before the date on which the meeting is held, or
 - b) in a ballot conducted by the association, or
 - c) in such other manner as the Director-General may direct,if it is supported by at least three-quarters of the votes cast by members of the association who, under the association's constitution, are entitled to vote on the proposed resolution.
- (2) A notice referred to in subsection (1) (a) must include the terms of the resolution and a statement to the effect that the resolution is intended to be passed as a special resolution.
- (3) A ballot referred to in subsection (1) (b) may only be conducted in relation to resolutions of a kind that the association's constitution permits to be voted on by means of a ballot and, if conducted, must be conducted in accordance with the regulations.
- (4) A direction under subsection (1) (c) may not be given unless the Director-General is satisfied that, in the circumstances, it is impracticable to require votes to be cast in the manner provided by subsection (1) (a) or (b).

33. Voting

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.

- (4) A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age.

34. Proxy votes

- (1) Given logistical issues faced by the Association, in accordance with subsection 27 where notice has been given:

(a) proxy votes may be used in respect of a general meeting if the executive determines necessary and appropriate.

(b) proxy votes may be received by electronic means

35. Postal ballots

- (1) The association may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 13).
- (2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.
- (3) Postal ballots may include the lodgement of ballots by any means, including electronic, as determined appropriate by the executive.

Part 5 - Miscellaneous

36. Insurance

The association may effect and maintain insurance.

37. Funds - source

- (1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.
- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

38. Funds - management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the executive or employees of the association, being members or employees authorised to do so by the executive.

39. Change of name, objects and constitution

An application to the Director-General for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.

40. Custody of books etc

Except as otherwise provided by this constitution, the executive must keep in their custody or under their control all records, books and other documents relating to the association.

41. Inspection of books etc

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
 - (a) records, books and other financial documents of the association,
 - (b) this constitution,
 - (c) minutes of all committee meetings and general meetings of the association.
- (2) A member of the association may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.

42. Service of notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the

addressee, and

- (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.
- (3) Where a member has changed address or location of employment (where the member usually receives correspondence from the Association), any misdirected document to that member shall be deemed to have been served on that member if she or he has not beforehand notified the Secretary of the change of address or location of employment.

43. Financial year

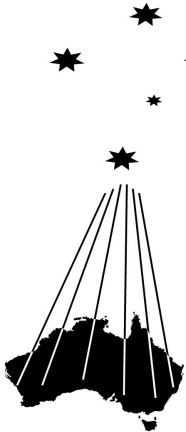
The financial year of the association is:

- (a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 July and ending on the following 30 June.

APPENDIX 1

Probation and Community Corrections Officers' Association Incorporated

APPLICATION FOR MEMBERSHIP BY AN INDIVIDUAL



I,.....
(full name of applicant)

of.....PCode.....
(home address)

and.....PCode.....
(work address)

Email.....@.....
.....
(occupation)

hereby apply to become a member of the above named Incorporated Association. In the event of my admission as a member, I agree to be bound by the rules of the Association for the time being in force and to conduct myself in accordance with the Association's Code of Ethics.

.....
Signature of Applicant Date / /

I,.....,
(Full Name) a member of the Association, nominate the applicant, who
is personally known to me, for membership of the Association.

..... / /
Signature of Proposer Date

I,.....,
(Full Name) a member of the Association, second the nomination of the
applicant, who is personally known to me, for membership of the Association.

..... / /
Signature of Secunder Date



APPENDIX 2

PROBATION AND COMMUNITY CORRECTIONS OFFICERS' ASSOCIATION

AUTHORITY FOR DEDUCTIONS FROM SALARY AND WAGES

The Accountant,

Employing Authority

I,

hereby authorise you to deduct from my salary or wages payable in respect of my employment with you, the sum of [AMOUNT SPECIFIED] each fortnight and to remit the amount so deducted to the Probation and Community Corrections Officers' Association Incorporated.

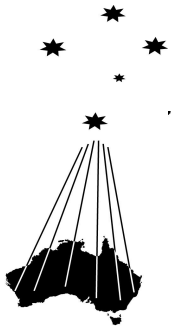
All amounts remitted on my behalf, pursuant to this authority, shall be deemed to be payments made to me personally. This authority is to continue until such time as it is withdrawn by me in writing.

Signature

Employee Serial No

Employee Location

Date



Appendix 3

PROBATION AND COMMUNITY CORRECTIONS OFFICERS' ASSOCIATION

(Incorporated under the Associations Incorporation Act, 2009 [NSW])

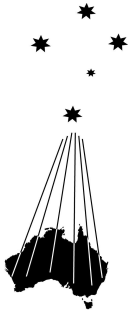
CODE OF ETHICS

PRINCIPLES OF PRACTICE

Each member of this Association holds that they will respect the inherent dignity and worth of every human being and seek to ensure that, within the scope of their work, human and civil liberties are safeguarded. The Association expects of its members unfailing honesty, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service.

In pursuit of these goals, members will:

- (A) Recognise the importance of community protection, public safety and the rights of victims of crime;
- (B) Treat colleagues and others supportively and with courtesy and fairness;
- (C) Respect the importance of all elements of the criminal justice system and cultivate professional relationships;
- (D) Adhere to lawful requirements of privacy and confidentiality in discharging their professional duty;
- (E) Be diligent in recording information upon which decisions are made;
- (F) Help offenders to increase their range of legitimate options and encourage them to take responsibility for their own actions;
- (G) Maintain the integrity of private information. They will not seek personal data beyond that needed to perform their responsibilities;
- (H) Report without reservation, any corrupt or unethical behaviour discovered in the course of their professional duties;
- (I) Not use their official capacity in any matter in which they have a personal interest or promote any partisan political process;
- (J) Not accept any gift or favour to imply an obligation that is inconsistent with their professional responsibilities;
- (K) When conducting research and information analysis ensure objectivity, verification and a balanced approach;
- (L) Avoid significant personal or business relationships with offenders they supervise. Sexual relationships with offenders they supervise, or have supervised are unethical;
- (M) Accept that education, training, support and supervision are basic to their work and hold themselves responsible for the standard of their work with offenders;
- (N) Respect the privacy of offenders and hold information obtained in the course of professional service in confidence, except where the law demands otherwise or there are ethical or moral reasons not to do so.



APPENDIX 4

PROBATION AND COMMUNITY CORRECTIONS OFFICERS' ASSOCIATION
(Incorporated under the Associations Incorporation Act, 1984 [NSW])

FORM OF APPOINTMENT OF PROXY

I,.....(full name)
of.....
(address)

being a member of the Probation and Community Corrections Officers' Association

hereby appoint

.....
full name of proxy)

of.....
(address)

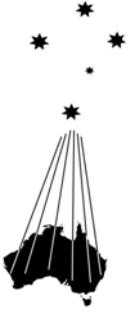
being a member of that incorporated Association, as my proxy to vote for me on my behalf
at the general meeting of the Association (annual general meeting or special general meeting, as
the case may be) to be held on the..... day of19 and at
any adjournment of that meeting.

* My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert
details).

** To be inserted if desired*

..... / /
Signature of member appointing proxy date

NOTE: A proxy vote may not be given to a person who is not a member of the Association.



APPENDIX 4

PROBATION AND COMMUNITY CORRECTIONS OFFICERS' ASSOCIATION

(Incorporated under the Associations Incorporation Act, 1984 [NSW])

Nomination for state/territory delegate / sub-delegate (strike out as required)

I, a member of PACCOA, hereby
(name)

nominate (name of nominee)
(name of nominee)

To represent (state or territory).

This nomination is seconded by a member
(name)

of PACCOA.

Proposed: Date
(signature)

Seconded: Date
(signature)

I, accept this nomination.
(name of nominee)

Signature: Date