

ACEA AGM

Constitution recommendations to ACEA AGM October 2019

In keeping with the ACEA constitution the following recommendations are presented for AGM approval

These recommendations are presented to:

- Ensure the ACEA rules comply with and are consistent with current NSW incorporated associations Act 2009 and associated legislation and regulations.
- Consolidate recommendations agreed at the 2018 ACEA AGM but not registered within the ACEA constitution.
- Update ACEA constitutional position on ACEA membership, ACEA Executive membership and terms of appointment, ACEA Advisory Council membership.
- Ensure consistency in terminology throughout the ACEA constitution.

The recommendations are also supplemented with issues for ACEA AGM consideration.

(n) refers to current constitution sub clause

Part 1: Definitions

Recommendation 1

That the ACEA definitions clause 1 sub clause update reference to **the Act from** as follows:

From:

*"The **Act** means the *Associations Incorporation Act 1984*"*

To:

*"The **Act** means the *Associations Incorporation Act 2009*"*

Moved: Ron Wilson

Seconded: Paul Barnes

Issue

Public Officer must be a NSW resident with a NSW address for notices.

It is an imperative for ACEA to confirm a NSW resident as public officer. Public Officer does not necessarily need to be an executive member but must be an ACEA member. It is common practice for the secretary to be the public officer.

Part2: Membership

Cessation of membership clause 4(1) does not include considering non-financial members. At present the constitution reads that once a member then for life regardless of whether the member is not financial

Under current rules a member can only cease if he/ she: dies, is expelled or resigns.

Issue: Maintaining current list of members noting financial / non-financial status and follow up of non-financial to pay.

Under general rules, a financial member has up to 3 months post the due date before deemed as non-financial.

Recommendation 2

That clause 4 (1) be updated to read

A person or organisation ceases to be a member of ACEA if the person:

- (a) Dies; or
- (b) Resigns membership; or
- (c) Is expelled from ACEA; or
- (d) Is non-financial over 3 months post due date

Moved: Ron Wilson

Seconded: Paul Barnes

Issue:

ACEA policies and procedures is not clear on membership rates for organisations identified under clauses 2(1), 3(1) and not specified under clause 8 (1).

Action:

This matter to be referred to ACEA business plan for consideration

Part 3 The ACEA Executive

Current rules read that each executive member is elected until the biennial conference AGM. I.e. two year term. Executive members elected out of cycle i.e. at annual AGM are of 1 year term or those nominated at time of vacancy have a term for the balance of that vacancy until biennial conference AGM.

Issue : There may be a risk where there is a complete turnaround of executive at any one biennial conference AGM. It is recommended that ACEA specify appointment to a defined maximum 2 year period for specific executive positions and that appointment of positions be staggered to support continuity of ACEA management knowledge whilst encouraging a regular refresh of executive appointments.

A staggered appointment schedule is based on a 2 year term of appointment with the initial appointment of 3 board members to 1 year and the remaining appointed to a two year appointment. At the next AGM, the 3 one year positions are then appointed to two year terms. This approach allows for a greater continuity of Board member appointment with half board turnover annually.

Recommendation 3

That clause 14 (3) be updated from

“Each member of the ACEA Executive committee is, subject to these rules, to hold office until the conclusion of the biennial ACEA conference following the date of the member’s election, but is eligible for re-election.”

to read

“Each member of the ACEA Executive Committee is, subject to these rules, to hold office from the conclusion of the AGM for a two year term following the date of the member’s election. Each member of the ACEA Executive is eligible for re-election to a maximum of 2 two year terms.”

Moved: Ron Wilson

Seconded: Kieran McCann

Executive officers appointed out of cycle are considered appointments not acting (3) (4)

Issue: It is Important that ACEA correspondence does not refer to “acting” positions as the term “acting” is not consistent with the rules

Issue. Clause15 (4) incorrectly references rule 22. Needs to change to read rule 18.

Recommendation 5.

That Clause 15 (4) be re worded to read

“ Any vacant positions remaining on the ACEA Executive Committee are taken to be casual vacancies and may be filled in accordance with rule 18”

Moved: Ron Wilson

Seconded: Paul Barnes

Issue: For noting at AGM. The rules state (17 1 b) that correct books and accounts are kept... Until now the ACEA book, accounts and reports do not comply with accounting standard as required by the legislation (i.e. compliant with ASA standards. These have been updated for reporting to forthcoming AGM. ACEA needs to ensure the accounting systems and processes are reviewed to ensure consistency is maintained.

Part 4 ACEA Advisory Council

Current constitution and membership of the advisory council is not consistently reported in the rules; web site; or reflected in AGM minutes. As noted in the minutes of the October 2018 AGM representation of NZ within the ACEA committee structure. However the AGM minutes were unclear regarding the committee level for this representation.

The ACEA Executive (August 2019) agreed NZ representation needs to be formally included in the ACEA Advisory Council under rule 23 (2)

Recommendation 6:

That New Zealand representation be included in the listing of state/ territory representatives under Rule 23, clause (2)

Moved: Ron Wilson

Seconded: Kieran McCann

Recommendation 7:

That Helen Farley be confirmed as the New Zealand representative in accordance with the intent written in the October 2018 AGM minutes and in accordance with rule 24

Moved: Ron Wilson

Seconded: Kieran McCann

Issue: For discussion

With international representation from New Zealand and South East Asian countries, ACEA is to consider including international representation on the ACEA Executive Committee to assist strengthen the international corrections education voice on areas of ACEA policy, programs and strategy.

Recommendation 8:

That ACEA AGM supports the ACEA executive to prepare a position role for an international representative on the ACEA Council.

Moved: Ron Wilson

Seconded: Paul Barnes

Issue: There is inconsistency of the term Advisory council. It is sometimes referred as the Advisory Board. It is important to have consistent terminology throughout the ACEA constitution. It is recommended the term Advisory council be used to represent that group identified under Part 4 rules 23 – 28

Recommendation 9:

That the term Advisory Board be replaced with the term Advisory Council in rules 26 (g), 28 (1), (2), (3), (5), (6), (7), (8), (9), (11),

Moved: Ron Wilson Seconded Paul Barnes

Part 5 General Meeting

Include confirmation of election of NZ (international) representative at the annual general meeting 30 (2c) subject to acceptance of recommendation.