

# AUSTRALASIAN COLLEGE OF ROAD SAFETY



## CONSTITUTION

20 May 2014

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# CONSTITUTION

*of the*

## AUSTRALASIAN COLLEGE OF ROAD SAFETY

### 1. NAME

The name of the organisation is the Australasian College of Road Safety Inc. (ACRS)

### 2. DEFINITIONS

2.1 In this Constitution, unless the contrary intention appears –

- “**Act**” means the Associations Incorporation Act 1991 (ACT);
- “**The College**” means the Australasian College of Road Safety;
- “**Financial Year**” means the year ending on the last day of December;
- “**General Meeting**” means a general meeting of members convened in accordance with Clause 9.
- “**The Law**” means the Associations Incorporation Act 1991;
- “**Member**” means a member of the College;
- “**The seal**” means the Common Seal of the College.

2.2 In this Constitution, a reference to the Secretary of the College or to the Treasurer of the College is a reference:

- (a) If a person holds office under this Constitution as Secretary/Treasurer of the College – to that person; and
- (b) In any other case, to the public officer of the Association.

### 3. OBJECTIVES

The objectives of the organisation are:-

- 3.1 To foster closer communication, co-operation and support among all groups and individuals working at all levels in road safety and traffic education programs.
- 3.2 To provide a focus for dissemination of information on road safety and traffic education available in Australia and from overseas.
- 3.3 To encourage community groups to work for the reduction of the road toll.
- 3.4 To encourage the professional assessment, evaluation and monitoring of road safety programs, and to promote those that are most effective in reducing road trauma.
- 3.5 To provide a forum for promotion of workable road safety initiatives through appropriate government and private bodies.
- 3.6 To encourage the provision of an environment of care and support for victims of road trauma.
- 3.7 To promote best practice road safety to all levels of Government

## 4. MEMBERSHIP

### 4.1 Membership Classes

There shall be two classes of membership to the College:-

- (a) Personal (Full Member, Fellow, Associate Fellow, Honorary Fellow, Retired, Student & Community Organisation)
- (b) Corporate (Platinum, Gold, Silver & Bronze)

### 4.2 Membership Qualifications

#### 4.2.1 Personal members:

A person is qualified to be a:-

- (a) **Member** if the person is interested in advancing the objectives of the College.
- (b) **Fellow** if the person has been approved for **Fellowship** of the College by the majority of the Executive Committee of the College.
- (c) **Associate Fellow** if the person:-
  - (a) Is involved or has been involved in professional or extensive volunteer work in the field of road safety; and
  - (b) Is making or has made identified and significant contributions to road safety; or
  - (c) Is making or has made identified and significant contributions to the Australasian College of Road Safety.
- (c) **Honorary Fellow** if the person has been approved as an Honorary Member of the College by the Executive Committee of the College.
  - (i) Honorary Membership status is retained by the member at the discretion of the Executive Committee.
- (f) **Student Member** if the person is undertaking a full-time course of education.
- (g) **Retired Member** if the person is retired from the workforce or is working ten hours or less per week.
- (h) **Community Organisation Member** if:
  - (i) The Group represents a local community within an identified local geographical area
  - (ii) The Group operates principally on a volunteer basis; and
  - (iii) The Group has developed a strategy for addressing road safety issues in their area.

#### 4.2.2 Corporate members:

Corporate members may be government, business, education or industry.

#### 4.2.3 Changes to membership levels

The Executive, at its discretion, may offer different levels of membership.

### 5. MEMBERSHIP & JOURNAL SUBSCRIPTION FEES

5.1 The annual membership/journal subscription fees of the College shall be determined by resolution of the College Executive Committee.

5.2 The annual membership fee for each year:

- (a) Will be published on the College website in November of the preceding year.
- (b) Is payable before 15 February of each calendar year.
- (c) Where an individual or corporation becomes a member for the first time prior to 1 July, the fee charged shall be the full annual fee. If a member joins after 30 June, 50% of the annual membership will be payable. For Corporate memberships, this fee will be negotiable.

### 6. MEMBERS' LIABILITIES

The liability of a member to contribute toward the payment of the debts and liabilities of the College or the costs, charges and expenses of the winding up of the College is limited to the amount, if any, unpaid by the member in respect of membership of the College as required by Clause 4.

### 7. DISCIPLINING MEMBERS

7.1 If the Executive Committee is of the opinion that a member –

- (a) Has persistently refused or neglected to comply with a provision of the Constitution or College policies; or
- (b) Has persistently and wilfully acted in a manner prejudicial to the interests of the College;

The Executive Committee may, by resolution –

- (a) Expel the member from the College; or
- (b) Suspend the member from the rights and privileges of membership of the College that the Executive Committee may decide for a specified period.

7.2 A resolution of the Executive Committee (subsection 7.1) comes into effect after the disciplined member is served a notice under subsection 7.3, and the Executive Committee confirms the resolution at an Executive Committee meeting between 14 and 28 days after service of the notice.

- 7.3 If the Executive Committee passes a disciplinary resolution under subsection 7.1, the Secretary must, as soon as practicable, serve a written notice on the member:
- (a) Setting out the resolution of the Executive Committee and the grounds on which it is based; and
  - (b) Stating that the member may address the Executive Committee at a meeting to be held between 14 and 28 days after service of the notice; and
  - (c) Stating the date, place and time of the meeting; and
  - (d) Informing the member that the member may do either or both of the following:
    - (i) Attend and speak at the meeting
    - (ii) Submit to the Executive Committee at or before the date of that meeting written representations relating to the resolution.
- 7.4 Subject to the Act, Section 50 (Rules of natural justice), at a meeting of the Executive Committee mentioned in 7.2, the Executive Committee must:
- (a) Give the member mentioned in 7.1 an opportunity to make oral representations; and
  - (b) Give due consideration to any written representations submitted to the Executive Committee by that member at or before the meeting; and
  - (c) By resolution decide whether to confirm or to revoke the resolution of the Executive Committee made under 7.1.
- 7.5 If the Executive Committee confirms a resolution under 7.4, the Secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under Section 7.7.
- 7.6 A resolution confirmed by the Executive Committee under 7.4 does not take effect:
- (a) Until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
  - (b) If within that period the member exercises the right of appeal – unless and until the College confirms the resolution in accordance with section 7.7.
- 7.7 Right of appeal of a disciplined member.
- (a) A member may appeal to the College in General Meeting against a resolution of the Executive Committee that is confirmed under section 7.4, within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
  - (b) On receipt of a notice under section 7.1, the Secretary must notify the Executive Committee which must call a General Meeting of the College

to be held within 21 days after the date when the Secretary received the notice or as soon as possible after that date.

- (c) Subject to the Act, section 50 (Rules of natural justice), at a General Meeting of the College called under subsection 7.2:
  - (i) No business other than the question of the appeal may be transacted; and
  - (ii) The Executive Committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
  - (iii) The members present must vote by secret ballot on the question of whether the resolution made under section 7.4 should be confirmed or revoked.
- (d) If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 7.4, that resolution is confirmed.

## **8. EXECUTIVE COMMITTEE**

### **8.1 Name, Constitution & Powers of the Executive Committee**

- (a) The governing body of the College is the Executive Committee.
- (b) The Executive Committee shall ensure that the policies and decisions of the organisation are put into effect, and shall carry out the affairs of the organisation between General Meetings. The Executive Committee may at any time conduct a vote regarding any matter.
- (c) The previous incumbent of the office of President shall be recognised as the Immediate Past President and shall hold office until the current President is replaced. The role of the Immediate Past President is to respond to requests for advice or assistance from the President.

### **8.2 Executive Committee Elections, Term of Office, Vacancies, Quorums & Procedures of Meetings**

- (a) Elections to membership of the Executive Committee shall take place at the Annual General Meeting. The Executive Committee shall consist of up to eight elected members and one representative of each Chapter.
- (b) Office Bearers of the Executive shall consist of a President, Vice-Presidents (2), a Secretary and a Treasurer.
- (c) Members of the Executive Committee shall elect the office bearers of the College immediately after, or within two weeks of, the Annual General Meeting.
- (d) Quorum: Six members of the Executive Committee shall constitute a quorum and, unless otherwise specified in the Constitution, decisions shall be by majority of those present and voting.
- (e) The Executive Committee may have powers to co-opt or to appoint sub-committees as it deems necessary.

- (f) Each Chapter shall appoint one representative to be a member of the Executive Committee for a maximum term of two years. Appointed Chapter representatives automatically have a position on the Executive Committee and are not subject to the National election process.
- (g) The term of office of the elected members of the Executive Committee shall be two years.
- (h) Retiring members of the Executive Committee may stand for re-election.
- (i) The President shall be elected for a term of up to 3 years, with consecutive terms permitted upon re-election by the Executive Committee.
- (j) The Executive Committee shall prepare an annual report for the Annual General Meeting. This report shall be distributed to all members at the meeting.
- (k) A vacancy in the office of a member of the Executive Committee happens if the Executive Committee member:
  - (i) Reaches the end of their term; or
  - (i) Ceases to be a member of the College; or
  - (ii) Resigns the office; or
  - (iii) Is removed from office under section 17 (Removal of committee members); or
  - (iv) Becomes bankrupt or personally insolvent; or
  - (v) Suffers from mental or physical incapacity; or
  - (vi) Is disqualified from office under the Act, section 63 (1); or
  - (vii) Is subject to a disqualification order under the Act, section 63A; or
  - (viii) Is absent without the consent of the Executive Committee from all meetings of the Executive Committee held during a period of 6 months.
  - (ix) Dies.
- (l) Any vacancies will be filled at the next AGM, or by the holding of a Special General Meeting. If the vacancy is for any office bearers, Acting office bearers will be sought from within the Executive Committee at the next Executive Committee meeting.
- (m) No Committee member shall be remunerated by the College except in accordance with a decision by the General Meeting.
- (n) The Executive Committee must meet at least 3 times in each calendar year at the place and time that the Executive Committee may decide.
- (o) Additional meetings of the Executive Committee may be called by any member of the Executive Committee.
- (p) Oral or written notice of a meeting of the Executive Committee must be given by the Secretary to each member of the Executive Committee at least 48 hours (or any other period that may be unanimously agreed on



by the members of the Executive Committee) before the time appointed for the holding of the meeting.

- (q) Notice of a meeting given under subsection (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the Executive Committee members present at the meeting unanimously agree to treat as urgent business.
- (r) No business may be transacted by the Executive Committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (s) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (t) At meetings of the Executive Committee:
  - (i) The President or, in the absence of the President, the vice-President presides; or
  - (ii) If the President and the vice-President are absent, 1 of the remaining members of the Executive Committee may be chosen by the members present to preside.

## **9. ANNUAL GENERAL MEETINGS & SPECIAL GENERAL MEETINGS**

### **9.1 General Meetings – holding of:**

- 9.1.1 The General Meeting consists of the members in attendance, either in person or via teleconference, at the Annual General Meeting or Special General Meetings. The General Meeting shall be the policy making body for the organisation.
- 9.1.2 The College must hold an Annual General Meeting at least once in each calendar year, and within 5 months after the end of each financial year (31 December).
  - An Annual General Meeting must be specified as such in the notice calling it in accordance with Section 24 of the Act (Notice).
- 9.1.3 The purpose of the Annual General Meeting is to:
  - (i) make and amend by-laws;
  - (ii) elect the Executive Committee or any other committee deemed necessary;
  - (iii) receive a budget;
  - (iv) direct and review the affairs of the organisation;
  - (v) endorse actions taken by the Executive Committee between meetings.
- 9.1.4 The Executive Committee may, whenever it considers appropriate, call a Special General Meeting of the College.

- (a) The Executive Committee must, on the requisition in writing of not less than 5% of the total number of members, call a Special General Meeting of the College.
- (b) A requisition of members for a Special General Meeting:
  - (i) Must state the purpose or purposes of the meeting; and
  - (ii) Must be signed by the members making the requisition; and
  - (iii) Must be lodged with the Secretary; and
  - (iv) May consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.
- (c) If the Executive Committee fails to call a Special General Meeting within 1 month after the date when a requisition of members for the meeting is lodged with the Secretary, any 1 or more of the members who made the requisition may call a Special General Meeting to be held not later than 3 months after that date.
- (d) A Special General Meeting called by a member or members mentioned in subsection (a) must be called as nearly as is practicable in the same way as General Meetings are called by the Executive Committee and any member who thereby incurs expense is entitled to be reimbursed by the College for any reasonable expense so incurred.

9.1.5 Twenty members shall constitute a quorum for a General Meeting.

9.1.6 Decisions of a General Meeting shall, where necessary, be by a majority of those present and voting or by a majority of those who vote by mail.

## **9.2 Annual General Meetings— business at**

9.2.1 In addition to any other business that may be transacted at an Annual General Meeting, the business of an Annual General Meeting is:

- (a) To confirm the minutes of the last Annual General Meeting and of any General Meeting held since that meeting; and
- (b) To receive from the Executive Committee reports on the activities of the College during the last financial year; and
- (c) To elect members of the Executive Committee; and
- (d) To receive and consider the statement of accounts and the reports that are required to be submitted:
  - the audited statement of the College's accounts for the most recently ended financial year of the College;
  - a copy of the auditor's report to the College in relation to the College's accounts for that financial year;
  - a report signed by 2 members of the Executive Committee stating:
    - (i) The name of each member of the Executive Committee of the College during the most recently

- ended financial year of the College and, if different, at the date of the report; and
- (ii) The principal activities of the College during the most recently ended financial year and any significant change in the nature of those activities that occurred during that financial year; and
  - (iii) The net profit or loss of the College for the most recently ended financial year.

### **9.3 Notice**

- 9.3.1 Except if the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the College, the Secretary must, at least 14 days before the date fixed for the holding of the General Meeting, send to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- 9.3.2 If the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the College, the Secretary must, at least 21 days before the date fixed for the holding of the General Meeting, send notice to each member in the way provided in subsection (1) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.
- 9.3.3 No business other than that specified in the notice calling a Special General Meeting may be transacted at the meeting except, for an Annual General Meeting, business that may be transacted under Section 22 (2).
- 9.3.4 A member desiring to bring any business before a General Meeting may give written notice 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.

### **9.4 Presiding member**

- 9.4.1 The President, or in the absence of the President, the vice-President, presides at each General Meeting of the College.
- 8.4.2 If the President and the vice-President are absent from a General Meeting, the members present must elect 1 of their number to preside at the meeting.

### **9.5 Adjournment**

- 9.5.1 The person presiding at 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 may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 9.5.2 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 College stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

- 9.5.3 Except as provided in subsections (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.
- 9.5.4 If within 30 minutes after the appointed time for the start of a General Meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of 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.
- 9.5.5 If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 3) constitute a quorum.

## **9.6 Making of decisions**

- 9.6.1 A question arising at a General Meeting of the College is to be decided on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding 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 College, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 9.6.2 At a General Meeting of the College, a poll may be demanded by the person presiding or by not less than 3 members present in person or by proxy at the meeting.
- 9.6.3 If the poll is demanded at a General Meeting, the poll must be taken:
- (a) Immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
  - (b) In any other case—in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

## **9.7 Voting**

Subject to Subsection (3) of the Act, on any question arising at a General Meeting of the College:

- 9.7.1 Voting is based on Membership (Personal or Corporate) not on any other status (such as position on the Australasian and/or Chapter Executive).
- 9.7.2 All Members listed on the ACRS membership database, whether listed as a Personal Member or under a Corporate Membership, are each entitled to attend and have one vote at General Meetings.
- 9.7.3 All votes must be given personally or by proxy, but no member may hold more than 5 proxies.

- 9.7.4 Multiple voting entitlements cannot be exercised concurrently by an individual (such as a Corporate Member representative as well as a Personal Member) except as a proxy for another nominated Member.
- 9.7.5 If the votes on a question at a General Meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- 9.7.6 A member or proxy is not entitled to vote at any General Meeting of the College unless all money due and payable by the member or proxy to the College has been paid, other than the amount of the annual subscription payable for the then current year.

## **9.8 Appointment of proxies**

- 9.8.1 Each member is entitled to appoint another member as proxy by notice given to the Secretary no later than 24 hours before the time of the meeting for which the proxy is appointed.
- 9.8.2 The notice appointing the proxy must be in the form set out in Attachment 1.

## **10. FINANCIAL YEAR**

The College financial year runs from 1 Jan to 31 December.

## **11. FUNDS & FINANCIAL MANAGEMENT**

### **11.1 Funds—source**

- 11.1.1 The funds of the College must be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the College in General Meeting and subject to the Act, Section 114, any other sources that the Executive Committee decides.
- 11.1.2 All money received by the College must be deposited as soon as practicable to the credit of the College's bank account.
- 11.1.3 The College must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **11.2 Funds—management**

- 11.2.1 The assets and income of the College shall be applied solely to further its objectives, and no portion shall be distributed directly or indirectly to the members of the College except as bona fide compensation for services rendered or expenses incurred on behalf of the College.
- 11.2.2 Subject to any resolution passed by the College in General Meeting, the funds of the College must be used for the objects of the College in the way that the Executive Committee decides.
- 11.2.3 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Executive Committee or employees of the College, being members of the Executive Committee or employees authorised to do so by the Executive Committee. Electronic banking requirements will be met by 1 member of the Executive Committee, or, where the Executive Committee is unavailable, by the Executive Officer and one other National Office staff member.

11.2.4 The Executive Committee shall provide to the Annual General Meeting a budget for the following year.

## **12. CHAPTERS**

There shall be Australian State and Regional Chapters and a New Zealand Chapter of the Australasian body formed in accordance with Clause 8.2(e).

- 12.1 The activities of Chapters shall be managed by a Committee elected by members of the College who are affiliated with such Chapters. Such Committees will be sub-committees of the National Executive Committee.
- 12.2 The National Executive Committee retains the right to veto any decisions or activities of a Chapter sub-committee which are against National Policy.
- 12.3 A Chapter may be formed by a member on approval of the Executive Committee.
- 12.4 All Chapters will adopt this Constitution.
- 12.5 Membership fees are payable to the National Office. Chapters may set their own subscription fees in addition.
- 12.6 Chapters shall report annually to the National body at the time of the Annual General Meeting of the National body. The Executive Committee of the Chapter shall:
- (a) Present an annual report on the activities of the Chapter during the last preceding calendar year.
  - (b) Present a recommended budget for the following calendar year; and
  - (c) Provide the statement of accounts and the reports that are required to be submitted to members pursuant to subsection 73(1) of the Act.
  - (d) Send minutes of meetings to the National Office.
  - (e) Appoint a representative of the Chapter Executive to be a member of the National Executive Committee in accordance with Clause 8.2.
  - (f) This representative will have a two year term but will be available for reappointment by the Chapter for additional terms. Chapters shall notify the National Executive of their representative prior to the National Annual General Meeting. The Chapter may withdraw appointment of its representative and appoint an alternative at any time.
- 12.7 The Chapter Executive shall consist of a Chair, Vice Chair, Secretary, Treasurer and ordinary members.
- 12.8 If a Chapter lapses or no longer meets the requirements of 12.6, and this is not resolved within a reasonable period of time, it shall be dissolved by the Executive Committee.

### **13. COMMON SEAL**

- 13.1 The common seal of the College must be kept in the custody of the Public Officer.
- 13.2 The common seal must not be attached to any instrument except by the authority of the Executive Committee, and the attaching of the common seal must be attested by the signatures either of 2 members of the Executive Committee or of 1 member of the Executive Committee and of the Public Officer.

### **14. CUSTODY OF BOOKS**

Subject to the Act, the regulation and this Constitution, the Secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the College.

### **15. INSPECTION OF BOOKS AND DOCUMENTS**

The records, books and other documents of the College must be open to inspection at the registered office, free of charge, by any member of the College at any reasonable hour.

### **16. AMENDMENTS TO THE CONSTITUTION**

Proposals for any amendments to the Constitution must be received by the Executive Committee at least two (2) months prior to a General Meeting. The proposals will be circulated with notices of the General Meeting and must be passed by a majority of at least 75% of the votes at the General Meeting.

### **17. DISSOLUTION**

Should a proposal to dissolve the organisation be sustained by a two-thirds (2/3rds) majority of members voting at a General Meeting or by ballot, the Executive Committee shall prepare a report giving:-

- (a) an audited financial statement, and
- (b) proposals for meeting the commitments of the organisation.

The report should be submitted to all members and a ballot conducted on a simple majority of ballots returned within thirty (30) days.

On dissolution, all assets of the organisation, after all commitments have been met, shall be transferred to the Commonwealth Department of Health for distribution by it in appropriate proportions to hospital spinal units throughout Australia.

In the event of there not being sufficient members present to constitute a quorum at a General Meeting called to consider a dissolution proposal, the organisation may be dissolved by a simple vote of the members.

**Attachment 1 – General Meeting: Attendance/Apology/Proxy form**

-----  
**ATTENDANCE**

I plan to attend

I am unable to attend

I appoint a proxy  at the .....venue.

Name:..... Tel:.....

Email: .....

Name of Appointed proxy:.....

Member signature:..... Date:.....