

CONSTITUTION

AUSTRALIAN CAPITAL TERRITORY NEIGHBOURHOOD WATCH ASSOCIATION
INCORPORATED

NOVEMBER 2025

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PRELIMINARY

These rules are the rules of the “Australian Capital Territory Neighbourhood Watch Association Incorporated” (ACTNHW). The short title of the Association shall be “ACT Neighbourhood Watch Inc”, referred to as “the Association” in this Constitution. These rules shall be known as the Australian Capital Territory Neighbourhood Watch Association Inc. Constitution and shall be binding on all Members of the Association.

Note: The rules in this Constitution are based on the model rules outlined in the ACT Associations Incorporation Regulation 2023 (Regulation). However, if a rule is inconsistent with the Act or another law in force in the ACT, the rule has no effect. Also, if the model rules make provision for a matter not provided for in the Association’s rules, the Association’s rules are taken to include the provision of the model rules in relation to that matter.

1 Association objects

1.1 The objects of the Association are to:

- a. encourage residents’ involvement in the safety, security and well-being of their community.
- b. channel community concerns to the appropriate authorities.
- c. actively assist in the promotion of mutual cooperation and caring between neighbours.
- d. minimise the incidence of preventable crime in the community.
- e. increase the incidence of reporting crime and suspicious activity within the Australian Capital Territory to the ACT Policing.
- f. improve the level of personal, household, and community security in the Neighbourhood Watch Area through an ongoing education campaign.
- g. encourage individuals within the community to appropriately identify their property.

Note: The Association may alter its objects by special resolution.

2 Application of certain Acts

2.1 The following Acts apply to the Association’s rules as if the rules were an instrument made under the Act:

- a. the ACT Associations Incorporation Act 1991;
- b. the Electronic Transactions Act 2001; and
- c. the Legislation Act 2001.

Note 1: Under the Electronic Transactions Act 2001, information required to be given in writing may be given electronically. For example, applications for membership may be provided by email.

Note 2: The Legislation Act contains definitions and other provisions relevant to the Association’s rules.

MEMBERSHIP

3 Membership - application

- 3.1 A person who is a resident of the ACT and over the age of 18 may apply to the Board of Management (BoM) to become a member of the Association. Membership of ACTNHW is free.
- 3.2 The application must:
- a. be in writing and submitted on the Membership Application Form approved by the Board; and include:
 - b. the applicant's name and contact details;
 - c. agreement that the applicant supports the Association's objects and agrees to comply with the Act and the Association's rules;
 - d. consent to have the application submitted for a police check; and
 - e. be signed by the applicant if submitted in printed form or be submitted by email from the applicant's designated contact email address.

4 Membership - decision

- 4.1 The BoM must consider each application for membership and decide whether to accept or reject the application.
- 4.2 The BoM may decline an application only if:
- a. the application does not comply with section 3; or
 - b. the BoM is not satisfied that the applicant will support the Association's objects and comply with the Act and the Association's rules; or
 - c. the applicant does not clear the police check.
- 4.3 If the Board accepts the application, the details must be recorded in the register of members, including the information required by the Act.
- 4.4 As soon as practicable after a decision is made about the application, the Board must give the applicant written notice of the decision.
- 4.5 No reason need be given for declining an application.
- Note 1:** The information required to be recorded in the register includes the person's name and contact details and the date the person became a member.
- Note 2:** A member may apply to the BoM to restrict access to the member's personal information on the register.

5 Membership - when membership begins

- 5.1 A person's membership begins on the day the BoM approves the person's application for membership.

6 Membership - when membership ends

- 6.1 A person's membership ends if:
- a. the person resigns under section 7; or
 - b. the person's membership is cancelled as a result of disciplinary action taken as provided for under the model rules; or
 - c. the person:
 - i. is not physically or mentally fit to exercise the functions of membership; or
 - ii. is no longer a resident of the Australian Capital Territory; or
 - iii. passes away.

7 Membership - resigning

- 7.1 A member may resign their membership of the Association by giving notice either in writing or by email to the Secretary.
- 7.2 The resignation takes effect:
- a. on the day the Secretary receives the notice; or
 - b. if another day is stated in the notice, on that day.
- 7.3 The Secretary must remove information about the member from the register of members as soon as practicable after the member's resignation takes effect.

8 Membership - rights and liabilities not transferable

- 8.1 A member's rights and liabilities are not transferable and end when the member's membership ends.

BOARD OF MANAGEMENT (BOM)

9 BoM – members:

- 9.1 The BoM must include the following executive office-bearers for the Association:
- a. President;
 - b. Secretary;
 - c. Treasurer; and
 - d. Deputy President and/or one or more Vice Presidents.

- 9.2 The BoM may also include ordinary BoM members. These members may include such positions as are required to assist the BoM to fulfil their responsibilities.
- 9.3 Ordinary BoM members are appointed by the executive office bearers on an ‘as required’ basis and endorsed at the next available annual general meeting.
- 9.4 A member must not hold more than one position on the BoM at the same time.
- Note:** BoM members have duties of care and diligence, good faith and proper purpose, and duties about the use of their position and the use of information obtained because of their position.

10 BoM - functions

- 10.1 The BoM may exercise the Association’s functions under the Act and the Association’s rules, other than conducting the Association’s business mentioned in section 30 (Annual General Meetings (AGMs) - notice and business).

11 BoM - delegating functions to committees

- 11.1 The BoM may delegate a function of the BoM under the Association’s rules to 1 or more committee(s). However, the BoM must not delegate a function given to the BoM:
- a. under the Act or another territory law; or
 - b. by resolution of the members at a general meeting.
- 11.2 If the BoM delegates a function to a committee, the committee may, subject to any limitation or condition in the delegation, meet on the dates and at the times and places agreed by the committee; and decide its own procedures.

12 BoM - functions of President

- 12.1 The functions of the President include:
- a. chairing BoM meetings and general meetings (including AGMs); and
 - b. exercising any other function given to the President:
 - c. under the Act or the Association’s rules; or
 - d. by the BoM or the members to achieve the Association’s objects.

13 BoM - functions of Deputy President and/or Vice President(s)

- 13.1 The functions of the Deputy President and/or Vice President(s) include:
- a. exercising the functions of the President if the President is unavailable to exercise those functions for any reason; and
 - b. exercising any other function given to the Deputy President and/or Vice President(s):
 - c. under the Act or the Association’s rules; or
 - d. by the BoM or the members to achieve the Association’s objects.

14 BoM - functions of Secretary

14.1 The functions of the Secretary include:

- a. keeping minutes of BoM meetings and general meetings (including AGMs); and
- b. exercising any other function given to the Secretary:
 - i. under the Act or the Association's rules; or
 - ii. by the BoM or the members to achieve the Association's objects.

14.2 The Secretary must lodge the notice mentioned in section 62 of the Act (Notice of changes in BoM).

Note: A BoM member must notify the Association of any change of address within 1 month (see Act).

15 BoM - functions of Treasurer

15.1 The functions of the Treasurer include:

- a. keeping the accounting records of the Association in accordance with the Act (Accounting records);
- b. preparing the statement of accounts of the Association in accordance with the Act (Annual statement of accounts);
- c. presenting the documents mentioned in section 73 of the Act (Presentation of statement to members) at the AGM;
- d. lodging with the Registrar-General the documents mentioned in section 79 of the Act, (Registrar-General's power to require statements and reports); and
- e. exercising any other function given to the Treasurer:
 - i. under the Act or the Association's rules; or
 - ii. by the BoM or the members to achieve the Association's objects.

16 BoM - delegating functions of BoM members

16.1 A relevant BoM member may delegate their functions under the Association's rules to any other BoM member. However, a relevant BoM member must not delegate a specific function given to the BoM member:

- a. under the Act or another Territory law; or
- b. by resolution of the members at a general meeting.

16.2 In this section, relevant BoM member means the following BoM members:

- a. President;
- b. Deputy President (if any);
- c. Vice President(s) (if any);
- d. Secretary;
- e. Treasurer.

17 BoM - election and removal

- 17.1 A member of the Association becomes a BoM member if the member:
- a. is elected to the BoM at an AGM under section 19; or
 - b. is appointed by the BoM to fill a casual vacancy on the BoM under section 22.

18 BoM - nominating members for election

- 18.1 The Secretary must, at least 28 days before an AGM, give written notice to the members of the Association calling for nominations of members for election to the BoM for those positions which will be vacant at the time of the AGM.
- 18.2 A nomination of a member must:
- a. be in writing;
 - b. be signed by two (2) other members;
 - c. include the written consent of the nominated member; and
 - d. be given to the Secretary not later than 14 days after the day the notice under section 18.1 is given.
- 18.3 The BoM must not accept the nomination of a member if:
- a. the member is disqualified from election to the BoM; or
- Note:** A person may be disqualified from election to the BoM under the Act.
- b. disciplinary action as provided for under the model rules has been taken against the member in the previous two (2) years.

19 BoM - electing members

- 19.1 If more than one member is nominated for a particular BoM position, the members at the AGM must vote to decide who is to be elected to the position.
- 19.2 If only one member is nominated for a particular BoM position, the nominated member is taken to be elected to the position at the AGM.
- 19.3 If no member is nominated for a particular BoM position, at the AGM, the Chair must call for further nominations to fill the position.
- 19.4 If the Chair calls for further nominations under section 19.3, the Chair,
- a. may accept the nomination of a member only if:
 - b. the nomination is supported by two members; and
 - c. the nominated person consents to the nomination; and
 - d. must not accept the nomination of a member if:
 - e. the member is disqualified from election to the BoM; or
 - f. disciplinary action has been taken against the member as provided for under the model rules in the previous two (2) years.

Note: A person may be disqualified from election to the BoM under the Act.

- 19.5 If the Chair calls for further nominations under section 19.3 and:
- a. if more than one member is nominated for the position, the members at the meeting must vote to decide who is to be elected to the position;
 - b. if only one member is nominated for the position, the nominated member is taken to be elected to the position; or
 - c. if no member is nominated for the position, the position is taken to be vacant.

20 BoM - term of office

- 20.1 BoM members are elected for a two-year term.
- 20.2 Members appointed to fill a casual vacancy are appointed until the next AGM, at which time their appointment ceases, and the position is to be filled by an elected member. The member filling the casual vacancy is eligible to nominate to be elected to that position.
- 20.3 The term of office of a BoM member begins:
- a. for an elected BoM member, at the end of the AGM at which the member is elected; or
 - b. for a BoM member appointed to fill a casual vacancy, on the day the appointment is approved by the BoM.
- 20.4 The term of office of a BoM member ends on the earliest of the following:
- a. the end of the 2nd AGM held after the BoM member's term of office begins;
 - b. if the person resigns from office, the day the resignation takes effect;
- Note:** A BoM member may resign from the BoM by written notice given to the Secretary.
- c. if the person's membership of the Association ends, the day the membership ends;
 - d. if the person is disqualified from holding committee membership section 63 of the Act;
 - e. if the person is removed from office under section 21 the day the removal takes effect.

21 BoM - removal of member from office

- 21.1 The Association may, by resolution passed at a general meeting, remove a member from the BoM before the end of their term of office if the member:
- a. does not exercise their functions or discharge their duties under section 66A of the Act (Duty of care and diligence);
 - b. does not exercise their functions or discharge their duties under section 66B of the Act (Duty of good faith and proper purpose); or
 - c. contravenes the Act and fails to attend two consecutive BoM meetings without the prior agreement of the BoM to be absent from one or both of the meetings; or
 - d. does not exercise the functions of their office for a period of three months.

22 BoM - filling casual vacancies

- 22.1 The BoM may appoint a member to fill a position on the BoM that:
- a. was not filled at the last AGM;
 - b. becomes vacant because a person's BoM membership ends for a reason mentioned in the Act;
or
 - c. is required to assist the BoM to fulfil its responsibilities.
- 22.2 If there is a vacancy on the BoM during a term of the BoM, the BoM may appoint a member to the BoM for the remainder of the term of the BoM.
- Note:** For laws about appointments, see the Legislation Act.
- 22.3 The BoM must not appoint a member under this section if disciplinary action has been taken against the member as provided for under the model rules in the previous two (2) years.
- Note:** A person may also be disqualified from appointment to the BoM under the Act.

23 BoM meetings

- 23.1 The BoM must meet at least five (5) times per calendar year.
- 23.2 BoM meetings must be held on the dates and at the times and places decided by the BoM.
- 23.3 The BoM may decide to hold a BoM meeting using a method of communication that allows participation in person or via a digital platform (or a combination of participation in person and via a digital platform), and that allows a BoM member taking part to hear or otherwise know what each other BoM member taking part says without the members being in each other's presence.
- Examples - methods of communication:
- Video conferencing software, instant messaging, telephone conferencing.
- 23.4 A BoM member who takes part in a BoM meeting conducted under this section is taken, for all purposes, to be present at the meeting.

24 BoM meetings - notice and business

- 24.1 The Secretary must give each BoM member notice of a BoM meeting at least -
- a. 48 hours before the meeting; or
 - b. if the BoM unanimously agrees on another period, that period before the meeting.
- 24.2 The BoM meeting notice must state:
- a. the date, time and place of the meeting; and
 - b. the general nature of the business to be conducted at the meeting.
- 24.3 The BoM may conduct business at a BoM meeting only if:
- a. the business is mentioned in the BoM meeting notice; or
 - b. the majority of the BoM members at the meeting agree that:

- i. the business is urgent; and
- ii. it is appropriate to conduct the business at the meeting.

25 BoM meetings - Chair

- 25.1 A BoM meeting must be chaired by:
- a. the President; or
 - b. if the President is absent, the Deputy President (if filled) or any Vice President; or
 - c. if the President, Deputy President (if filled) and any Vice President (if filled) are absent, a BoM member elected to chair the meeting by the BoM members at the meeting.

26 BoM meetings - quorum

- 26.1 The BoM may conduct business at a BoM meeting only if there is a quorum of four (4) BoM members.
- 26.2 If there is not a quorum at the time stated in the BoM meeting notice, the time of the meeting is taken to be postponed for 30 minutes.
- 26.3 If there is not a quorum after the 30-minute postponement, the meeting is deferred.
- Note:** If a quorum for a BoM meeting is not reached because a BoM member present at the meeting has a personal interest in a matter being considered, a general meeting may be called to pass a resolution to deal with the matter.

27 BoM meetings - voting

- 27.1 Each BoM member:
- a. has one vote on each question arising at the BoM meeting; and
 - b. must vote personally.
- Note:** A BoM member who has a material personal interest in a matter must not be present while the matter is being considered by the BoM and must not vote on the matter.
- 27.2 A motion is carried if a majority of the BoM members at the BoM meeting vote in favour of the motion. However, if the votes on a question are equal, the Chair has a second or deciding vote.
- 27.3 The BoM members at a BoM meeting may vote on a question at the meeting orally, in writing, or by a show of hands.
- 27.4 However, a vote on a question at a BoM meeting must be by ballot conducted at the meeting if:
- a. the Chair decides the vote is to be by ballot; or
 - b. at least two (2) BoM members request the vote be by ballot.

- 27.5 If a ballot is required, the Chair must decide how the ballot is to be conducted.
- 27.6 For this section, voting personally includes voting while taking part in a BoM meeting conducted using a method of communication that allows participation in person or via a digital platform (or a combination of participation in person and via a digital platform), and that allows a BoM member taking part to hear or otherwise know what each other BoM member taking part says without the members being in each other's presence.

28 BoM meetings - minutes

- 28.1 The BoM must ensure that minutes are taken and kept for each BoM meeting.
- 28.2 The following must be recorded in the minutes:
- a. the names of the BoM members at the meeting, and apologies;
 - b. whether the BoM agreed that the minutes of the previous meeting are accurate;
 - c. a description of the business conducted at the meeting;
 - d. if a BoM member makes a disclosure of a material personal interest as required by the Act:
 - i. the nature and extent of the interest; and
 - ii. the relation of the interest to the Association's activities.
 - e. any motion on which a vote is taken at the meeting and the outcome of the vote.
- Note:** A summary of the minutes of BoM meetings must be provided to members on request (see Act). However, the BoM may refuse access if satisfied that allowing access would be prejudicial to the Association's interests (see Act).

29 BoM meetings - records

- 29.1 The BoM must keep the following records for each BoM meeting:
- a. BoM meeting notices;
 - b. minutes of BoM meetings; and
 - c. copies of documents considered at BoM meetings.

ANNUAL GENERAL MEETINGS (AGM)

Note: The provisions in this part ('Annual General Meetings (AGM)') apply to all general meetings, including Annual General Meetings, unless otherwise stated.

30 Annual General Meetings - notice and business

- 30.1 The BoM must give each member written notice of an AGM at least fourteen (14) days before the meeting.
- 30.2 The notice must:
- a. state the date, time and place of the AGM;
 - b. include the agenda for the AGM;

- c. attach minutes of the previous AGM; and
- d. provide information and documents directly relevant to any matters to be decided, dealt with or done at the AGM.

Examples - information relevant to matters to be decided:

- (i) Information about nominees for BoM membership
- (ii) Information about a proposed budget for the Association.

30.3 The following matters must be dealt with at an AGM (note sections 30.3(b) to (d) only apply to AGMs and not other general meetings):

- a. the Minutes of the previous AGM must be confirmed;
- b. members of the BoM must be elected under the Act to positions vacant at the time of the AGM;
- c. the statement of accounts, a reviewer's or auditor's report, and a report about the BoM membership and principal activities must be presented;
- d. the documents the Association is required to lodge with the Registrar - General must be dealt with.

30.4 Those NHW Areas which operate with a committee shall manage meeting arrangements and office bearers in such a way as is appropriate to their operational requirements.

Note: "Area" means a geographical location within the ACT, however described, approved by the BoM for inclusion in the Program. It may consist of a defined suburb, residential precinct within a suburb or a combination of adjoining suburbs.

FINANCIAL MATTERS

31 Financial year

31.1 The Association's financial year ends on 30 June each year.

32 Funds - source

32.1 The Association's funds may consist of:

- a. Grants received;
- b. donations; and
- c. any other source that the BoM decides, subject to:
 - i. the Act, (section 114 Investment with Associations); and
 - ii. a resolution passed by the Association at a general meeting.

32.2 The BoM must:

- a. ensure that all money received by the Association is deposited into the Association's account with a deposit-taking institution as soon as practicable after the money is received; and
- b. issue a receipt for any money received by the Association as soon as practicable after the money is received, unless it is impracticable to do so.

Examples - when impracticable to issue receipt include:

- a gold coin donation and an anonymous donation

33 Funds - use and management

33.1 The Association must:

- a. open and maintain an account with an authorised deposit-taking institution;
- b. deposit all money received by the Association into the account; and
- c. pay all amounts spent by the Association out of the account.

Note: An authorised deposit-taking institution is an institution (eg a bank, credit union or building society) that is authorised under the Banking Act 1959 (Cwlth).

33.2 The Association's funds may only be used:

- a. for the Association's objects; and
- b. either:
 - i. in the way the BoM decides; or
 - ii. if a general meeting passes a resolution about the way the funds are to be used, in accordance with the resolution.

33.3 The assets and income of the Association shall be applied solely to further its objects and no portion shall be distributed directly or indirectly to the members of the Association except as genuine compensation for services rendered or expenses incurred on behalf of the Association.

33.4 The BoM may make payments on the Association's behalf.

33.5 The BoM may delegate its function of making payments on the Association's behalf to:

- a. the Treasurer or an alternate BoM member; or
- b. anyone employed or engaged by the Association.

Note: Where individual areas operate independent accounts, these should be managed in a manner consistent with the Association's objects and requirements.

34 Review of accounts

- 34.1 The BoM must appoint a person to audit or review the Association's accounts for a financial year and prepare a report.
- 34.2 The report and the Association's annual statement of accounts must be presented to the AGM.
- 34.3 The BoM must ensure that copies are available for perusal by members prior to or at the AGM.

35 Public officer

- 35.1 The Association must have a Public Officer.
- 35.2 A person is not eligible to be the Public Officer unless they reside in the ACT and are at least 18 years old.
- 35.3 The Public Officer may also hold any other office of the Association.
- 35.4 The Public Officer must, not later than one (1) month after being appointed, lodge with the Registrar-General a notice of the appointment.

Miscellaneous

36 Property of defunct association

- 36.1 In the event of the Association being dissolved, all assets that remain after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes, which is charitable at law, and which has rules prohibiting the distribution of its assets and income to its members.

37 Records and other documents

- 37.1 The Secretary must keep all the Association's records and other documents, other than accounting records, in their custody or under their control. The Treasurer must keep the Association's accounting records in their custody or under their control. The Secretary must ensure that all the Association's records and other documents (other than the register of members) are available for inspection by a member free of charge at a place in the ACT at a reasonable time.

Note 1: The BoM may refuse to allow a member to inspect a record or other document if satisfied that allowing access would be prejudicial to the Association's interests.

Note 2: A copy of certain documents (including the Association's Rules) must also be provided to members on request unless the BoM is satisfied that allowing access would be prejudicial to the Association's interests.

Note 3: The Act provides for inspection of the register of members. A member may apply to restrict access to personal information of the member recorded on the register of members.

38 Dispute resolution and disciplinary procedures

- 38.1 The Model Rules apply to -
- a. the dispute resolution procedure for dealing with a dispute between a member and another member, or a member and the BoM; and
 - b. disciplinary action against a member of the Association in relation to the member's status as a member of the Association.

DICTIONARY

Terms used in the Association's Rules have the same meaning that they have in the Act. For example, the following terms are defined in the Act:

- accounting records
- Annual General Meeting
- incorporated
- member
- model rules
- objects
- register of members
- special resolution.

The Legislation Act contains definitions relevant to the Association's Rules. For example:

- authorised deposit-taking institution
- document
- may (see s 146)
- must (see s 146)
- writing.

Act means the Associations Incorporation Act 1991.

Association or ACTNHW means the Australian Capital Territory Neighbourhood Watch Association Incorporated.

BoM means the Board of Management of the Association.

contact details, for a person, includes the person's residential address, email and telephone number.

financial year means the year ending on 30 June.

Individual areas means Neighbourhood Watch groups established at ACT suburban or multi-suburban level which operate under the umbrella of ACT Neighbourhood Watch.

Note: Financial year is defined in the Act to mean the period not exceeding 12 months, fixed by the Association's Rules as the Association's financial year (see Act).