

**DATED**

**2003 (as amended Feb 2007)**

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**RULES OF THE AUSTRALIAN LAW LIBRARIANS' ASSOCIATION (VIC)  
INCORPORATED**

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# RULES OF THE AUSTRALIAN LAW LIBRARIANS' ASSOCIATION (VIC.) INCORPORATED

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## 1. NAME

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The name of the incorporated association is the Australian Law Librarians' Association (Vic.) Incorporated.

## 2. DEFINITIONS

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In these Rules, unless the contrary intention appears:

**Act** means the *Associations Incorporation Act 1981* (Vic).

**AGM** means the Annual General Meeting of the Association.

**Annual Membership Fee** means the amount determined by the Committee in accordance with Rule 4.12.

**Association** means the Australian Law Librarians Association (Vic.) Incorporated.

**Committee** means the committee of management as described in Rule 18.1.

**Eligible Person** means a natural person who is:

- (a) a law librarian or law library worker;
- (b) a professional with an active interest in the provision and management of legal resources; or
- (c) a student of a discipline concerned with librarianship or legal resources information.

**Executive Member of the Committee** means any of the President, the Secretary, the Treasurer and the Membership Officer.

**Financial Year** means a year commencing 1 July and ending 30 June in the following calendar year.

**General Meeting** means an Annual General Meeting or a meeting of Members convened in accordance with Rule 9.

**Member** means a member of the Association.

**Membership** means membership of the Association.

**Membership Officer** means the membership officer of the Association elected or appointed in accordance with these Rules.

**Ordinary Member of the Committee** means a member of the Committee who is not a member of the Executive.

**President** means the president of the Association elected or appointed in accordance with these Rules.

**Public Officer** has, in relation to the Association, the same meaning as in the Act.

**Regulations** means regulations under the Act.

**Relevant Documents** has the same meaning as in the Act.

**Rules** means these rules of association and includes the appendices and the word **Rule** means any particular rule of these Rules.

**Secretary** means the secretary of the Association elected or appointed in accordance with these Rules and

in any other case, the Public Officer.

**Statement of Purposes** means the statement of purposes of the Association, a copy of which is annexed as Appendix 3 of these Rules.

**Treasurer** means the treasurer of the Association elected or appointed in accordance with these Rules.

### **3. ALTERATION OF THE RULES**

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These Rules and the Statement of Purposes must not be altered except in accordance with the Act.

### **4. MEMBERSHIP AND FEES**

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- 4.1 The following persons are Members:
- 4.1.1 the persons who are members of the Australian Law Librarians Association (Victorian Division) as at the date of incorporation; and
  - 4.1.2 any other persons the Committee admits to Membership in accordance with these Rules.
- 4.2 An Eligible Person who applies and is approved for Membership is eligible to be a Member on payment of the Annual Membership Fee payable under these Rules.
- 4.3 A person who is not a Member at the time of the incorporation of the Association (or who was a Member at that time but has ceased to be a Member) must not be admitted to Membership unless the person:
- 4.3.1 is an Eligible Person and applies for Membership in accordance with sub-Rule 4.4;
  - 4.3.2 is approved for Membership by the Committee; and
  - 4.3.3 pays the Annual Membership Fee.
- 4.4 An application of a person for Membership must:
- 4.4.1 be made in writing in the form specified by the Committee from time to time; and
  - 4.4.2 be lodged with the Secretary.
- 4.5 As soon as practicable after the receipt of an application, the Secretary must refer the application to the Committee.

- 4.6 The Committee must determine whether to approve or reject the application referred to it as soon as practicable.
- 4.7 If the Committee approves an application for Membership, the Secretary must, as soon as practicable:
- 4.7.1 notify the applicant in writing of the approval for Membership; and
  - 4.7.2 request payment of the Annual Membership Fee within 28 days after receipt of the notification.
- 4.8 The Secretary must, within 28 days after receipt of the amounts referred to in sub-Rule 4.7, enter the applicant's name in the register of Members.
- 4.9 An applicant for Membership becomes a Member and is entitled to exercise the rights of Membership when his or her name is entered in the register of Members.
- 4.10 If the Committee rejects an application for Membership, the Committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- 4.11 A right, privilege, or obligation of a person by reason of Membership:
- 4.11.1 is not capable of being transferred or transmitted to another person; and
  - 4.11.2 terminates upon the cessation of Membership whether by death or resignation or otherwise.
- 4.12 Until the Committee otherwise determines, the Annual Membership Fee is \$50.00 payable in advance:
- 4.12.1 in the case of a new Member, on or before the time specified in accordance with Rule 4.7.2; and
  - 4.12.2 in any other case, on or before 31 December each year;
  - 4.12.3 or in the case of a new member joining after 1<sup>st</sup> January each year a membership fee of \$25.00 applies.

## **5. REGISTER OF MEMBERS**

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- 5.1 The Secretary must keep and maintain a register of Members containing:
- 5.1.1 the full name and address of each Member; and
  - 5.1.2 the date on which each Member's name was entered in the register.
- 5.2 The register is available for inspection free of charge by any Member upon request.
- 5.3 A Member may make a copy of entries in the register.

## **6. CEASING MEMBERSHIP**

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- 6.1 A Member may at any time resign from the Association by giving to the Secretary notice in writing. The Secretary must record in the register of Members, the date on which the notice is received. The date recorded will be the date on which the Member ceased to be a Member. The former Member will continue to be liable for any Annual Membership Fee and all arrears due and unpaid at the date of resignation and for all other moneys due by him or her to the Association.
- 6.2 If a Member's Annual Membership Fee remains unpaid for a period of 2 calendar months after it becomes due, the Member may, after receiving notice of the default from the Secretary, be debarred by resolution of the Committee from all privileges of Membership and his or her name may be removed by the Committee from the register of Members. The Board may reinstate the person and restore his or her name to the register of Members on payment of arrears if the Committee thinks fit to do so.

## **7. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS**

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- 7.1 Subject to these Rules, if the Committee is of the opinion that a Member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming of a Member or prejudicial to the interests of the Association, the Committee may by resolution:
- 7.1.1 suspend that Member from Membership for a specified period; or
  - 7.1.2 expel that Member from the Association.
- 7.2 A resolution of the Committee under Rule 7.1 does not take effect until the later of:
- 7.2.1 a meeting held in accordance with Rule 7.3 at which the Committee confirms the resolution; and
  - 7.2.2 a meeting held in accordance with Rule 7.8 at which the Association confirms the resolution in accordance with Rule 7.9.
- 7.3 A meeting of the Committee to confirm or revoke a resolution passed under Rule 7.1 must be held not less than 14 and not more than 28 days after notice has been given to the Member in accordance with Rule 7.4.
- 7.4 For the purposes of giving notice of a meeting to be held in accordance with Rule 7.3, the Secretary must, within 7 days of a Committee resolution passed under Rule 7.1, cause to be given to the Member a written notice:
- 7.4.1 setting out the resolution of the Committee and the grounds on which it is based;
  - 7.4.2 stating that the Member, or his or her representative, may address the Committee at a meeting, to be held not earlier than 14 days and not later than 21 days after the notice has been given to that Member;
  - 7.4.3 stating the date, place and time of that meeting;
  - 7.4.4 informing the Member that he or she may do one or both of the following:

- 7.4.4.1 attend that meeting alone or with a representative;
- 7.4.4.2 give to the Secretary before the date of that meeting a written statement seeking the revocation of the resolution; and
- 7.4.5 informing the Member that, if at that meeting, the Committee confirms the resolution, he or she may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal the resolution to the Association in a General Meeting.
- 7.5 At a meeting of the Committee to confirm or revoke a resolution passed under Rule 7.1, the Committee must:
  - 7.5.1 give the Member, or his or her representative, an opportunity to be heard;
  - 7.5.2 give due consideration to any written statement submitted by the Member; and
  - 7.5.3 determine by resolution whether to confirm or to revoke the resolution.
- 7.6 If at the meeting of the Committee, the Committee confirms the resolution, the Member may appeal to a General Meeting by lodging notice to that effect within 48 hours of receiving notice of the Committee expulsion resolution.
- 7.7 If the Secretary receives a notice under Rule 7.6, he or she must notify the Committee and the Committee must convene a General Meeting to be held within 21 days after the date on which the Secretary received the notice.
- 7.8 At a General Meeting convened under Rule 7.7:
  - 7.8.1 no business other than the question of the appeal may be conducted;
  - 7.8.2 the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
  - 7.8.3 the Member, or his or her representative, must be given an opportunity to be heard; and
  - 7.8.4 the Members present in person or by proxy must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 7.9 A resolution is confirmed if, at the General Meeting, not less than two-thirds of the Members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.
- 7.10 The Secretary must record in the register of Members the date a resolution takes effect under Rule 7.2. The date recorded will be the date on which the Member was suspended or expelled.

## **8. ANNUAL GENERAL MEETINGS**

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- 8.1 The Association must hold an AGM:
  - 8.1.1 in respect of the first AGM, within 18 months of incorporation; and



- 8.1.2 thereafter, each year within 5 months after the end of each Financial Year.
- 8.2 The Committee may determine the date, time and place of the AGM of the Association.
- 8.3 The notice convening the AGM must specify that the meeting is an AGM.
- 8.4 The ordinary business of the AGM will be to:
- 8.4.1 confirm the minutes of the previous AGM and of any other General Meeting held since that meeting;
- 8.4.2 receive and consider reports from the Committee upon the transactions of the Association during the last preceding Financial Year;
- 8.4.3 elect the Executive Members of the Committee and the Ordinary Members of the Committee; and
- 8.4.4 receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.
- 8.5 The AGM may conduct any special business of which notice has been given in accordance with these Rules.
- 8.6 No business other than that set out in the notice convening the meeting may be conducted at the meeting.

## **9. SPECIAL GENERAL MEETINGS**

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- 9.1 In addition to the AGM, any other General Meetings may be held in the same year.
- 9.2 All General Meetings other than the AGM are special General Meetings.
- 9.3 If, but for this Rule 9, more than 15 months would elapse between AGMs, the Committee must convene a special General Meeting before the expiration of that period.
- 9.4 The Committee may convene a special General Meeting:
- 9.4.1 whenever it thinks fit; or
- 9.4.2 on the request in writing of Members representing not less than 5 per cent of the total number of Members.
- 9.5 A Members' request for a special General Meeting must:
- 9.5.1 state the objects of the meeting;
- 9.5.2 be signed by the Members requesting the meeting; and
- 9.5.3 be sent to the address of the Secretary.
- 9.6 If the Committee does not cause a special General Meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the

Members making the request, or any of them, may convene a special General Meeting to be held not later than 3 months after that date.

- 9.7 If a special General Meeting is convened by Members in accordance with Rule 9, it must be convened and conducted (including the requirement for a quorum) in the same manner so far as possible as a meeting convened by the Committee and all reasonable expenses incurred in convening the special General Meeting must be refunded by the Association to the persons incurring the expenses.

## **10. SPECIAL BUSINESS**

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- 10.1 All business that is conducted at a special General Meeting and all business that is conducted at the AGM, except for business referred to under the Rules as ordinary business of the AGM, is deemed to be special business.
- 10.2 A Member intending to bring any business before a General Meeting may notify the Secretary in writing or by electronic transmission. The Secretary must include that business in the next notice calling a General Meeting.

## **11. NOTICE OF GENERAL MEETINGS**

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The Secretary must cause to be sent to each Member a notice stating the place, date and time of the General Meeting and the nature of the business to be conducted at the meeting, at least 14 days, or if a special resolution has been proposed, at least 21 days before the date fixed for the General Meeting..

## **12. QUORUM AT GENERAL MEETINGS**

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- 12.1 No item of business may be conducted at a general meeting unless a quorum of Members entitled under these Rules to vote is present at the time when the meeting considers that item.
- 12.2 Ten percent of Members entitled under these Rules to vote at a General Meeting, present in person or by proxy constitute a quorum for the conduct of the business of a general meeting.
- 12.3 If a quorum is not present within half an hour after the appointed time for the commencement of a General Meeting:
- 12.3.1 in the case of a meeting convened upon the request of Members, the meeting must be dissolved; and
  - 12.3.2 in any other case, the meeting will stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to Members given before the day to which the meeting is adjourned) at the same place.
- 12.4 If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Members present in person or by proxy (being not less than 3) will be a quorum.

**13. PRESIDING AT GENERAL MEETINGS**

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- 13.1 The President, or in the President's absence, the Secretary, will preside as chairperson at each General Meeting.
- 13.2 If the President and the Secretary are absent from a General Meeting or are unable to preside, the Members present must select one of their number to preside as chairperson.

**14. ADJOURNMENT OF MEETINGS**

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- 14.1 The chairperson may, with the consent of a majority of Members present at the General Meeting, adjourn the meeting from time to time and place to place.
- 14.2 No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- 14.3 If a General Meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with Rule 11.
- 14.4 Except as provided in Rule 14.3 it is not necessary to give notice of an adjourned meeting or of the business to be conducted at an adjourned meeting.

**15. VOTING AT GENERAL MEETINGS**

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- 15.1 Upon any question arising at a General Meeting, a Member has one vote only.
- 15.2 A Member is not entitled to vote at a General Meeting unless all moneys due and payable by the Member to the Association have been paid, other than the Annual Membership Fee payable in respect of the current Financial Year.
- 15.3 All votes must be given personally or by proxy.
- 15.4 In the case of an equality of voting on a question, the chairperson of the meeting is entitled to exercise a second or casting vote.
- 15.5 A resolution at a General Meeting put to the vote of the meeting will be determined on a show of hands unless a poll (before or on the declaration of the show of hands is demanded) by:
- 15.5.1 the chairperson; or
- 15.5.2 at least 3 Members present in person or by proxy.
- 15.6 Unless a poll is demanded, 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 of the votes recorded in favour or against that resolution.
- 15.7 The demand for a poll may be withdrawn.
- 15.8 Except as provided in Rule 15.9, if at a meeting a poll on any question is demanded by not less than 3 Members, it must be taken at that meeting in such manner as the

chairperson may direct and the resolution of the poll will be deemed to be a resolution of the meeting on that question.

- 15.9 A poll that is demanded on the election of a chairperson for the meeting or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the chairperson may direct.

## **16. PROXIES**

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- 16.1 Each Member is entitled to appoint another Member as a proxy by notice given to the Secretary no later than 48 hours before the time of the meeting in respect of which the proxy is appointed.
- 16.2 The notice appointing the proxy must be:
- 16.2.1 for a meeting of the Association convened under Rule 7.7, in the form set out in Appendix 1 or such other form as the Committee may determine from time to time; or
  - 16.2.2 in any other case, in the form set out in Appendix 2 or such other form as the Committee may determine from time to time.

## **17. COMMITTEE**

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- 17.1 The Committee will manage the affairs of the Association .
- 17.2 Subject to the Act, the Regulations and these Rules, the Committee:
- 17.2.1 will control and manage the business and affairs of the Association;
  - 17.2.2 may exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required to be exercised by the Members in General Meeting; and
  - 17.2.3 has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

## **18. COMMITTEE COMPOSITION**

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- 18.1 The Committee will comprise not less than 8 and not more than 15 persons.
- 18.2 Subject to section 23 of the Act, the Committee will consist of:
- 18.2.1 the Executive Members of the Committee; and
  - 18.2.2 the Ordinary Members of the Committee,
- each of whom must be Members, elected at an AGM or appointed in accordance with these Rules.

## **19. EXECUTIVE MEMBERS OF COMMITTEE**

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19.1 The Executive Members of the Committee will comprise:

- 19.1.1 a President;
- 19.1.2 a Secretary;
- 19.1.3 a Treasurer; and
- 19.1.4 a Membership Officer;

and the Secretary will be the Public Officer of the Association for the purposes of the Act (unless precluded from holding that office by virtue of his or her place of residence, in which case the Committee will nominate another officer for the appointment).

19.2 In the event of a casual vacancy in any office referred to in Rule 19, the Executive may appoint one of the Ordinary Members of the Committee to the vacant office and the person appointed may continue in that office until the end of the next AGM and may stand for election.

## **20. ORDINARY MEMBERS OF THE COMMITTEE**

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20.1 Each Ordinary Member of the Committee will hold office from the date of his or her election until the end of the next AGM but is eligible for re-election.

20.2 In the event of a casual vacancy occurring in the office of an Ordinary Member of the Committee, the Committee may appoint a Member of the Association to fill the vacancy and the Member appointed will hold office, subject to these Rules, until the end of the next AGM.

## **21. ELECTION OF MEMBERS OF COMMITTEE**

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21.1 Nominations of candidates for election as a member of the Committee must be:

- 21.1.1 made in writing in such form as the Committee may specify from time to time, signed by 2 Members and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
- 21.1.2 delivered to the Secretary not less than 4 weeks before the holding of the AGM.
- 21.1.3 candidate may only be nominated for one office – as President, Secretary, Treasurer or Membership Officer or as an Ordinary Member of the Committee.

21.2 At least 4 weeks' notice of the nomination deadline must be given to Members.

21.3 In the case of election to an office of an Executive Member of the Committee, if by the due date for nominations:

- 21.3.1 only one nomination to that office is received, the person nominated will be deemed at the AGM to be elected;

- 21.3.2 more than one nomination to that office is received, a ballot must be held in such manner as the Committee deems fit and the result declared at the AGM; and
  - 21.3.3 no nominations to that office are received, nominations may be received at the AGM and a ballot held if there is more than one, otherwise a person so nominated will be deemed at the AGM to be elected.
- 21.4 In the case of election to the office of Ordinary Member of the Committee, if by the due date for nominations:
- 21.4.1 the number of nominations received is equal to the number of vacancies to be filled, the persons nominated will be deemed at the AGM to be elected;
  - 21.4.2 the number of nominations exceeds the number of vacancies to be filled, a ballot must be held in such manner as the Committee deems fit and the result declared at the AGM; and
  - 21.4.3 insufficient nominations are received to fill all vacancies, any candidates nominated will be deemed at the AGM to be elected and further nominations may be received at the AGM. A ballot must be held if required and the result declared at the AGM.
- 21.5 Subject to section 23 of the Act, each elected member of the Committee will hold office from the end of the AGM at which he or she was elected until the end of the next AGM and will be eligible for re-election.

## **22. VACANT OF OFFICE**

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An Executive Member of the Committee or an Ordinary Member of the Committee will vacate his or her office and will cease to be a member of the Committee if he or she:

- 22.1 ceases to be a Member;
- 22.2 becomes an insolvent under administration within the meaning of the *Corporations Act 2001*; or
- 22.3 resigns from office by notice in writing given to the Secretary.

## **23. MEETINGS OF THE COMMITTEE AND THE EXECUTIVE**

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- 23.1 The Committee must meet at least 3 times each year at such place and such time as the Committee may determine and such meetings are deemed ordinary meetings of the Committee.
- 23.2 Special meetings of the Committee may be convened at any time by the President or by any 4 Members of the Committee.

## **24. NOTICE OF COMMITTEE MEETINGS**

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- 24.1 Written notice of each Committee meeting must be given to each member of the Committee at least 2 business days before the date of the meeting.

- 24.2 Written notice must be given to members of the Committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

## **25. VOTING AT COMMITTEE MEETINGS**

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- 25.1 Questions arising at a meeting of the Committee, or at a meeting of any sub-committee appointed by the Committee, will be determined on a show of hands or, if a member of the Committee requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- 25.2 Each member of the Committee present at a meeting of the Committee, or at a meeting of any sub-committee appointed by the Committee (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the motion will be lost.

## **26. QUORUM FOR COMMITTEE MEETINGS**

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- 26.1 Any 4 members of the Committee including at least one Ordinary Member of the Committee constitute a quorum for the conduct of the business at a meeting of the Committee.
- 26.2 No business may be conducted unless a quorum is present.
- 26.3 If within half an hour of the time appointed for the meeting a quorum is not present:
- 26.3.1 in the case of a special meeting, the meeting lapses; and
  - 26.3.2 in any other case, the meeting will stand adjourned to the same place and the same time and day in the following week.
- 26.4 The Committee may act notwithstanding any vacancy on the Committee.

## **27. PRESIDING AT COMMITTEE MEETINGS**

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At meetings of the Committee:

- 27.1 the President or, in the President's absence, the Secretary presides; or
- 27.2 if the President and the Secretary are absent, or are unable to preside, the members of the Committee present must choose one of their number to preside.

## **28. DELEGATION OF COMMITTEE'S POWERS**

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The Committee may from time to time:

- 28.1 delegate such of its functions and powers as it thinks fit to one or more members of the Executive; and
- 28.2 appoint sub-committees for any purpose and delegate to those sub-committees such functions and powers as it thinks fit. A sub-committee will consist of Members who may, but need not be, members of the Committee.

A delegate of the Committee must exercise the powers delegated in accordance with any directions of the Committee.

## **29. REMOVAL OF COMMITTEE MEMBER**

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- 29.1 The Association in a General Meeting may, by resolution, remove any member of the Committee before the expiration of the member's term of office and appoint another Member in his or her place to hold office until the expiration of the term of the first-mentioned Member.
- 29.2 A Member who is the subject of a proposed resolution referred to in Rule 29.1 may make representations in writing to the Secretary or President (not exceeding a reasonable length) and may request that the representations be provided to the Members.
- 29.3 The Secretary or the President may give a copy of the representations to each Member and if they are not so given, the Member may require that they be read out at the meeting.

## **30. MINUTES OF MEETINGS**

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- 30.1 The Secretary must keep minutes of the resolutions and proceedings of each General Meeting, and each Committee meeting, together with a record of the names of persons present at Committee meetings.
- 30.2 Minutes of Committee meeting must be circulated to all Committee members within six weeks of the meeting.

## **31. SEAL**

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- 31.1 The Secretary must keep custody of the common seal of the Association.
- 31.2 The common seal must not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal must be attested by the signatures either of 2 members of the Committee, or of one member of the Committee and of the Public Officer.

## **32. FUNDS**

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- 32.1 The Treasurer must:
- 32.1.1 collect and receive all moneys due to the Association and make all payments authorised by the Association; and
  - 32.1.2 keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- 32.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 members of the Committee.
- 32.3 The funds of the Association will be derived from Annual Membership Fees, donations and such other sources as the Committee determines.



### **33. CUSTODY AND INSPECTION OF BOOKS AND RECORDS**

---

- 33.1 Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.
- 33.2 All accounts, books, securities and any other Relevant Documents of the Association must be available for inspection free of charge by any Member upon request.
- 33.3 A Member may make a copy of any accounts, books, securities and any other Relevant Documents of the Association.

### **34. NOTICE TO MEMBERS**

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Any notice that is required to be given to a Member, by or on behalf of the Association, under these Rules may be given by:

- 34.1 delivering the notice to the Member personally;
- 34.2 sending it by prepaid post addressed to the Member at that Member's address shown in the register of Members; or
- 34.3 sending it to the facsimile number or electronic address (if any) nominated by the Member

### **35. WINDING UP**

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In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association must be disposed of in accordance with the Act.

### **36. DISPUTES AND MEDIATION**

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- 36.1 The grievance procedure set out in this Rule applies to disputes under these Rules between
- 36.1.1 a Member and another Member; or
- 36.1.2 a Member and the Association.
- 36.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 36.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 36.4 The mediator must:
- 36.4.1 a person chosen by agreement between the parties; or
- 36.4.2 in the absence of agreement:

- 36.4.2.1 in the case of a dispute between a Member and another Member, a person appointed by the Committee; or
  - 36.4.2.2 in the case of a dispute between a Member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 36.5 A Member may be a mediator.
- 36.6 The mediator may not be a Member who is a party to the dispute.
- 36.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 36.8 The mediator, in conducting the mediation, must:
  - 36.8.1 give the parties to the mediation process every opportunity to be heard;
  - 36.8.2 allow due consideration by all parties of any written statement submitted by any party; and
  - 36.8.3 ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 36.9 The mediator must not determine the dispute.
- 36.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## Appendix 1

**FORM OF APPOINTMENT OF PROXY FOR MEETING OF ASSOCIATION CONVENED  
UNDER RULE 7.7**

I,

*(name)*

of

*(address)*

being a Member of the Australian Law Librarians' Association (Vic.) Incorporated,

appoint

*(name of proxy holder)*

of

*(address of proxy holder)*

being a Member of the Association, as my proxy to vote for me on my behalf at the appeal to the General Meeting of the Association convened under Rule 7.7, to be held on:

*(date of meeting)*

and at any adjournment of that meeting.

I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution:

*(insert details of resolution passed under Rule 7.1).*

Signed

Date

## Appendix 2

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### FORM OF APPOINTMENT OF PROXY

I,

*(name)*

of

*(address)*

being a Member of the Australian Law Librarians' Association (Vic.) Incorporated, appoint

*(name of proxy holder)*

of

*(address of proxy holder)*

being a Member of the Association, as my proxy to vote for me on my behalf at the Annual/special\*  
General Meeting of the Association to be held on

*(date of meeting)*

and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against\* the following resolution:

*(insert details of resolution).*

Signed

Date

\*Delete if not applicable

## Appendix 3

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### Statement of Purpose

The purpose of the Australian Law Librarians' Association (Vic) Incorporated is to:

- support and promote the interests and activities of legal information professionals in Victoria;
- represent members as a unified group at a National level;
- act as a lobby group to promote the interests of law libraries, law collections, legal information services and associated staff in Victoria's wider community;
- communicate issues of national and state significance to members of the Association and to foster a spirit of co-operation among members of the profession;
- promote the professional development of members by the further education and training of law librarians, legal information officers, and others through the organisation of meetings, training sessions and conferences;
- promote co-operation with other organisations or societies.