



**Australian Judicial Officers
Association**

RULES

(As amended up until March 2021)

AUSTRALIAN JUDICIAL OFFICERS ASSOCIATION INCORPORATED

RULES

(As amended up until March 2021)

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PART I – PRELIMINARY

1. Name

The name of the association shall be the Australian Judicial Officers Association Incorporated ("the Association").¹

2. Interpretation

(1) In these rules, unless a contrary intention appears -

"Executive Committee" means the Executive Committee established by rule 16;

"financial year" means the year ending on 30 June;

"member" means a member, however described, of the Association;

"Chief Executive Officer ("CEO")" means the person appointed under rule 18 or, where no such person holds that office, the public officer of the association;²

"the act" means the *Associations Incorporation Act 1991* as amended from time to time;

"the regulations" means the Associations Incorporation Regulations as amended from time to time;

"the Territory" means the Australian Capital Territory.

(2) In these rules -

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

(b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty.

(3) The provisions of the Interpretation Act 1967 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the act.

3. Objects

The objects of the Association are:

(a) In the public interest:

(i) to ensure the maintenance of a strong and independent judiciary as the third arm of government in Australia, and

(ii) to defend the judiciary and judicial officers against unwarranted attacks and to respond to such attacks;³

(b) to promote foster and develop within the executive and legislative arms of government, and within the general community, an understanding and

1 The name of the association was changed at the Annual General Meeting held on 28 November 2020, and all references" in these Rules to "Conference" were changed by special resolution to "Association" at that meeting.

2 Amended at the Annual General Meeting, 28 November, 2020.

3 Amended at the Annual General Meeting, 7 October, 2017.

appreciation that a strong and independent judiciary is indispensable to the rule of law and to the continuation of a democratic society in Australia;

- (c) to achieve a better public understanding and appreciation, in Australia and internationally, of the benefits of the rule of law and of the role of the judiciary in the administration of justice;⁴
- (d) without diminishing in any way the independence of the judiciary, to improve the relationship between the judicial and executive arms of government;
- (e) to maintain, promote and improve the quality of the judicial system, as an instrument of the rule of law, in Australia and internationally;⁵
- (f) to seek to ensure that access to the courts is open to all members of the community;
- (g) to promote research to assist in the achievement of these objects; and
- (h) to confer and liaise with, and, if appropriate, to act in conjunction with, the Chief Justices' Council or any similarly constituted body.

3A. Non-profit nature of the association⁶

The assets and income of the Association shall be applied in furtherance of its abovementioned objectives and no portion shall be distributed directly or indirectly to the members of the Association except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

PART II – MEMBERSHIP

4. Membership Qualifications⁷

A person is qualified to be a member if that person is or has been

- (a) a member of a court of the Commonwealth of Australia or of a State or internal Territory of Australia, or of a tribunal which, in the opinion of the Governing Council, exercises judicial power within Australia, or
- (b) a person appointed on terms which, in the opinion of the Governing Council, are similar to those upon which judges are usually appointed in Australia and whose duties are, in the opinion of the Governing Council, substantially judicial in nature.

4A. Life members⁸

- (1) All persons who have been or shall have been Presidents of the Association are hereby appointed life members of the Association.
- (2) Life members are entitled to all the rights and privileges of membership of the Association.
- (3) Life members are exempt from liability for membership fees.

4 Amended at the Annual General Meeting, 6 October, 2012.

5 Amended at the Annual General Meeting, 6 October, 2012.

6 Inserted at the Annual General Meeting, 26 October, 2002.

7 Amended at the Annual General Meeting, 17 November 2003.

8 Inserted at the Annual General Meeting, 10 October 2015.

- (4) Additionally, the Governing Council can appoint any person as a life member of the Association.

4B. Honorary Members⁹

- (1) The Governing Council may appoint any person as an honorary member of the Association.
- (2) Honorary members are not entitled to vote or exercise the rights and privileges of membership of the Association.
- (3) Honorary members are exempt from liability for membership fees.

5. Application for membership

- (1)¹⁰ A person who is qualified for membership of the Association may apply in writing to the CEO and shall lodge with the application an amount equal to the annual membership fee specified in sub-rule 8(2).¹¹
- (2) As soon as is practicable after receiving an application for membership and the required sum, the CEO shall confirm whether the applicant is qualified to be a member and, if so, notify the applicant that he or she has been admitted to membership.
- (3) the CEO shall immediately after so notifying the applicant, enter the applicant's name in the register of members and, upon the name being so entered, the applicant shall become a member.

6. Cessation of Membership

A person ceases to be a member if the person -

- (a) dies;
- (b) resigns from membership of the Association; or
- (c)¹² fails to pay any subscription required by Rule 8 within six months of the due date for such payment, unless the Executive Committee decides otherwise.

7. Resignation of Membership

- (1) A member who has paid all amounts payable by the member to the Association may resign from membership of the Association by giving notice in writing to the CEO of the member's intention to resign and, upon the expiration of the period of notice, the person ceases to be a member.
- (2) Where a person ceases to be a member, the CEO shall make an appropriate entry in the register of members recording the date on which the person ceased to be a member.

8. Fees, subscriptions, etc.¹³

- (1) Annual membership fee(s) of the Association will be determined from time to time by resolution of the Governing Council.

⁹ Inserted at the Annual General Meeting, 17 November 2003, and amended at the Annual General Meeting, 10 October 2015.

¹⁰ Amended at the Annual General Meeting, 17 November 2003.

¹¹ Amended at the Annual General Meeting, 8 October 2016.

¹² Amended at the Annual General Meeting, 17 November 2003.

¹³ Earlier rule deleted and replaced with this rule at the Annual General Meeting, 8 October 2016.

Continuing members

- (2) Except as set out below, all members shall be liable to pay the annual membership fee on 1 July in each year.

New members

- (3) A new member shall pay an *initial annual membership fee* of \$50.00, or such other amount as the Governing Council determines from time to time.
- (4) The initial annual membership fee entitles the new member to membership for the *first membership period*, that is:
- (a) From the date on which the new member joined until the next 30 June; or
- (b) If the new member joined after 1 February in any year, from the date on which he or she joined until 30 June in the following calendar year.
- (5) After the end of their first membership period, new members are liable to pay an annual membership fee in accordance with sub-rule 8(2).

Three-year membership

- (6) A continuing member has an option, but no obligation, of paying an amount equal to three times the membership fee applicable to that member for the year beginning on the relevant 1 July, and a member who makes such a payment shall be entitled to three years' membership from that 1 July.
- (7) A new member has an option, but no obligation, of paying an amount equal to the initial annual membership fee plus twice the membership fee applicable to continuing members of the same class for the year in which the new member joins, and a new member who makes such a payment is entitled to membership for a further two years from the end of the first membership period.

9. Members' Liabilities

The liability of a member to contribute towards the payment of debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by rule 8.

9A. Dispute resolution¹⁴

The following rules will apply in relation to any dispute under the *Associations Incorporation Act 1991* (ACT) or these rules between—

- a member and another member; or
 - a member and the Association.
- a) Each party to the dispute must be given the opportunity to be heard on the matter which is the subject of the dispute.
- b) The outcome of the dispute will be determined by an unbiased decision-maker.
- (i) In the case of a dispute between members, the decision-maker will be a person with no interest in the outcome of the dispute appointed by the President (or the Vice President if the President is involved in the dispute).

14 Inserted at a Special General Meeting held on 14 March 2020.

- (ii) In the case of a dispute between a member and the Association, the decision-maker will be a person agreed upon by the parties or, failing that, nominated by the Executive Director of the Australasian Institute of Judicial Administration.
- c) The decision-maker will notify each party to the dispute, in writing, about the decision and give reasons for the decision.
- d) A party to a dispute who is not satisfied with the decision of the decision-maker may appeal to the Executive Committee (in the case of a dispute between members) or to the Governing Council (in the case of a dispute between a member and the Association) provided that any member of the Executive Committee or the Governing Council who has an interest in the outcome of the dispute shall not take part in the appeal process. Should all members of the Executive Committee or Governing Council (as the case may be) have an interest in the outcome of the appeal, the appeal will lie to a person with no interest in the outcome of the appeal, nominated by the person specified in rule (b)(ii).

PART III – THE GOVERNING COUNCIL

10. Powers of the Governing Council

The Governing Council, subject to the act, the regulations, these rules, and to any resolution passed by the Association in general meeting, -

- (a) shall control and manage the business and affairs of the Association;
- (b) may exercise all such functions as may be exercised by the Association other than those functions that are required by these rules to be exercised by the Association in general meeting; and
- (c) has the power to perform all such acts and do all such things as appear to the Governing Council to be necessary or desirable for the proper management of the affairs of the Association.

11. Constitution and Membership¹⁵

- (1) Subject to rule 12, the Governing Council shall consist of the President¹⁶ of the Governing Council and the following persons subject to their willingness to act, and to their being or becoming a member of the Association before their appointment:
 - (a) subject to paragraphs (b) and (c) following, a judge of each court of the Commonwealth of Australia, a judge of each court of a state or internal territory of Australia, and a member of each tribunal exercising judicial power within Australia subject to appointment by their respective courts and tribunals;
 - (b) in relation to the magistracy of the Commonwealth of Australia and of the states and internal territories of Australia, one magistrate for each of the Commonwealth of Australia and each of the states and the internal territories respectively, appointed in such manner as the courts constituted by magistrates of the Commonwealth of Australia and of the states and internal territories respectively from time to time determine;
 - (c) such further member or members of the Association as the Governing Council may co-opt for such term as the Governing Council shall specify.

¹⁵ Amended at the Annual General Meeting, 26 October, 2002

¹⁶ The references to Chair and Deputy Chair wherever appearing in the Rules were amended to President and Vice President respectively at the Annual General Meeting held on 11 October 2008.

- (2) Notwithstanding paragraphs (a) and (b) of sub-rule (1), a group comprised of a court or courts and/or of such a tribunal or such tribunals may appoint a judge, a magistrate or a member of such a tribunal to be a member of the Governing Council, in lieu of separate appointments as provided for in the said paragraphs, subject to the willingness of the appointee to act and to the appointee being or becoming a member of the Association before the appointment.
- (3) A member of the Governing Council other than the President shall be appointed to hold office until such time as that person dies or resigns or until another person is appointed in place of that person.
- (4) In the event of a vacancy in the office of a member of the Governing Council, the respective court, tribunal or group of courts and/or tribunals by which that member had been appointed may appoint a judge or magistrate of such a court or a member of such tribunal who is a member of the Association to fill the vacancy.
- (5) A court or courts, tribunal or tribunals entitled to appoint a representative on the Governing Council may from time to time appoint some other person, subject to the same conditions for appointment, to act as a member of the Governing Council in the event that such representative is for any reason unable to attend a meeting of the Governing Council. A person so appointed shall be entitled to participate in all discussions and to vote on any resolution proposed at that meeting.

12. First Governing Council

- (1) Notwithstanding the provisions of sub-rules 11(1) and (2), the members of the first Governing Council shall be such members for the time being of the Steering Committee for the Supreme and Federal Court Judges' Association as consent in writing to be members thereof.
- (2) The members of the first Governing Council shall hold office until the earlier of
 - (a) the appointment of no less than seven members of the Governing Council as provided for in sub-rule 11(2); or
 - (b) 31 January 1995.
- (3) The council so constituted shall have all the powers, functions, rights and privileges of the Governing Council of the Association.

13. Vacancies

Subject to sub-rule 11(3), a person ceases to hold office as a member of the Governing Council if the member -

- (a) dies;
- (b) ceases to be a member of the Association;
- (c) resigns from office;
- (d) becomes an insolvent under administration within the meaning of the Corporations Law;
- (e) suffers from mental or physical incapacity;
- (f) is disqualified from office under sub-section 63(1) of the act; or

- (g) is absent without the consent of the Governing Council from all meetings of the Governing Council held during a period of six months.

14. Meetings of the Governing Council and quorum

- (1) The Governing Council shall meet at least three times in each calendar year at such place and time as the Governing Council may determine.
- (2) Additional meetings of the Governing Council may be convened by any member of the Governing Council.
- (3) Oral or written notice of a meeting or adjournment of a meeting of the Governing Council shall be given by the CEO to each member of the Governing Council at least forty-eight hours (or such other period as may be unanimously agreed upon by the members of the Governing Council) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under sub-rule (3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Governing Council members present at the meeting unanimously agree may be transacted at the meeting.
- (5) Any seven members of the Governing Council constitute a quorum for the transaction of the business of a meeting of the Governing Council.
- (6) No business shall be transacted by the Governing Council 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 such time not less than three days later to a time and place as those members present consider would be suitable for the members of the Governing Council.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting but three members are present, then the meeting may proceed and any business conducted thereat shall be deemed to have been validly conducted and, in any other case, the meeting shall be dissolved.
- (8)
 - (a)¹⁷ The President of the Governing Council shall be a member of the Association, willing to act and elected by the members of the Governing Council at a duly convened meeting of the Governing Council. A candidate for the office of President need not be a member of the Governing Council at the time of his or her election.
 - (b) A person so elected shall serve in that position until the conclusion of the first meeting of the Governing Council held after the annual general meeting held next after such election, unless he or she earlier dies, ceases to be a member of the Governing Council or resigns as President.
 - (c) A president or former president is eligible for re-election.
 - (d) The President shall preside at all meetings of the Governing Council at which he or she is present.
 - (e) The Governing Council shall also elect a Vice President to act in the President's absence, and the provisions of this rule shall apply mutatis mutandis to such election and to the tenure of that office.

- (9) In addition to meeting in person, the Governing Council may meet by telephone, by audio visual link-up or by any other instantaneous communications medium for conferring and a member shall be regarded for all purposes as present at such a meeting where that member is able to hear and to be heard by, all others attending the meeting. Such meeting shall be deemed to be held at the place agreed by the Governing Council provided that at least one of the members present at the meeting was at that place for the duration of the meeting.
- (10) An original document, or a photocopy or facsimile copy of it, which is in the possession of, or has been seen by, all the members of the Governing Council attending the meeting prior to, or at the time of, that meeting, shall be deemed to be a document tabled at that meeting.

15. Delegation by Governing Council to Committees

- (1) The Governing Council may, by instrument in writing, delegate to one or more committees (consisting of such member or members of the Association as the Governing Council thinks fit) the exercise of such of the functions of the Governing Council as are specified in the instrument, other than -
 - (a) this power of delegation; and
 - (b) a function which is imposed on the Governing Council by the act, by any other law of the Territory, or by resolution of the Association in general meeting.
- (2) A committee may co-opt other members to be members of the committee if, in its opinion, they can assist the committee in its work.
- (3) A function, the exercise of which has been delegated to a committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the committee in accordance with the terms of the delegation.
- (4) A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (5) Notwithstanding any delegation under this rule, the Governing Council or the Executive Committee may continue to exercise any function delegated.
- (6) Any act or thing done or suffered by a committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Governing Council.
- (7) The Governing Council may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (8) A committee may meet and adjourn as it thinks proper, but for the transaction of its business not less than one half plus one of its members including any members co-opted under sub-rule (2), must be present.

16. Executive Committee

- (1) There shall be an Executive Committee which shall, subject to the provisions of this rule, transact the business and manage the affairs of the Association.
- (2)¹⁸ The Executive Committee shall consist of –

- (a) the President and Vice President¹⁹ of the Governing Council;
 - (b) such further members of the Governing Council as are elected at its first meeting held after the Annual General Meeting in each year;
 - (c) such further members of the Association as the Executive Committee may co-opt for such term as the Executive Committee shall specify.
- (3) The Executive Committee shall be chaired by the President of the Governing Council, or in his or her absence, the Vice President, or in the absence of both of them, any other member elected for the time being by those members of the Executive Committee present at the meeting.
- (4) Members of the Executive Committee hold office until the conclusion of the first meeting of the Governing Council held after the annual general meeting in each year.
- (5) A member of the Executive Committee ceases to hold that office if the member
 - (a) resigns in writing;
 - (b) ceases to be a member of the Governing Council.
- (6)²⁰ Where a member has ceased to be a member under sub-rule (5), the Governing Council may elect one of its members to hold that office instead.
- (7) The Executive Committee shall meet from time to time to conduct its business in such manner and at such times as it sees fit.
- (8) Subject to these rules and to such directions as to policy or otherwise as may be given by a general meeting of the Association or the Governing Council from time to time, the Executive Committee may exercise all the powers and authorities conferred on the Governing Council.
- (9) The Executive Committee shall be responsible to the Governing Council for the due administration of the affairs of the Association and shall provide a report on its activities and administration to each meeting of the Governing Council.

17. Voting and decisions

- (1) Questions arising at a meeting of the Governing Council, the Executive Committee or any committee appointed by the Governing Council shall be determined by a majority of the votes of members of the Governing Council, Executive Committee or committee present at the meeting.
- (2) Each member present at a meeting of the Governing Council, Executive Committee or of any committee appointed by the Governing Council (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to sub-rule 14(6), the Governing Council and Executive Committee may act notwithstanding any vacancy in the office of any member.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Governing Council, Executive Committee or by a committee appointed by the Governing Council, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Governing Council, Executive Committee or committee.

¹⁹ Amended at the Annual General Meeting, 11 October 2008.

²⁰ Amended at the Annual General Meeting, 17 November 2003.

18. Chief Executive Officer²¹

- (1) The Governing Council shall appoint a person to be the CEO of the Association. The appointee may be a member of the Governing Council, an employee of the Association or such other person as the Governing Council considers appropriate.
- (2) The CEO shall keep minutes of –
 - (a) all elections and appointments of members of the Governing Council and the Executive Committee;
 - (b) the names of members of the Governing Council and Executive Committee present at a meeting of the Governing Council or the Executive Committee or a general meeting; and
 - (c) all proceedings at meetings of the Governing Council and the Executive Committee and at general meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.
- (4) The CEO may, with the consent of the Council, attend and speak at meetings of the Governing Council or the Executive Committee.
- (5) The Governing Council may delegate any of the powers of the Council to the CEO:
 - (a) on the terms and subject to any restrictions the Governing Council decides; and
 - (b) so as to be concurrent with the powers of the Governing Council, and may revoke the delegation at any time.
- (6) Without affecting the generality of rule 18.5, the CEO will:
 - (a) act consistently with the objects of the Association;
 - (b) use his or her best endeavours at all times to enhance the good name of the Association;
 - (c) insofar as the resources available permit, implement the policies of the Association;
 - (d) prepare an annual report for the Governing Council on the work and activities of the Company during the preceding 12 months ending on 30 June in each year; and
 - (e) exercise such other functions duties and responsibilities as may be determined from time to time by the Governing Council.
- (7) The appointment of a CEO terminates:
 - (a) at the expiration of a fixed term if so defined in a written contract; or
 - (b) if the Governing Council removes the CEO from that office (which, subject to any contract between the Association and the CEO, the Governing Council has power to do).

19. Treasurer

- (1) The Governing Council shall appoint a person to be the treasurer of the Association. The appointee may be a member of the Governing Council, an employee of the Association or such other person as the Governing Council shall consider appropriate. The CEO may be appointed also as the treasurer.
- (2) The treasurer of the Association shall –
 - (a) collect and receive all moneys due to the Association and make payments authorised by the Association; and

²¹ Previous rule deleted and new rule inserted by special resolution at the Annual General Meeting on 28 November 2020.

- (b) 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.

PART IV - GENERAL MEETINGS

20. Annual general meetings - holding of

- (1) With the exception of the first annual general meeting of the Association, the Association shall, at least once in each calendar year and within the period of five months after the expiration of each financial year, convene an annual general meeting of its members.
- (2) The Association shall hold its first annual general meeting -
 - (a) within the period of eighteen months after its incorporation under the act; and
 - (b) within the period of five months after the expiration of the first financial year.
- (3) Sub-rules (1) and (2) have effect subject to the powers of the Registrar of Incorporated Associations under section 120 of the Act in relation to extensions of time.

21. Annual general meetings - calling of and business at

- (1)²² The annual general meeting of the Association shall, subject to the act and these rules, be convened on such date and at such time and place as the Governing Council or the Executive Committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be -
 - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
 - (b) to receive from the Governing Council reports on the activities of the Association during the last preceding financial year;
 - (c) to receive advice as to the appointment of members of the Governing Council; and
 - (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members pursuant to sub-section 73(1) of the act.
- (3) An annual general meeting shall be specified as such in the notice convening it in accordance with rule 23.
- (4) An annual general meeting shall be conducted in accordance with the provisions of this part.

22. General meetings - calling of

- (1) The Governing Council may, whenever it thinks fit, convene a general meeting of the Association on such date, and at such time and place as the Governing Council thinks fit.

- (2) The Governing Council shall, on the requisition in writing of not less than five per cent of the total number of members, convene a general meeting of the Association at such time and place and, subject to this rule, on such date as the Governing Council thinks fit.
- (3) A requisition of members for a general meeting -
 - (a) shall state the purpose or purposes of the meeting;
 - (b) shall be signed by the members making the requisition;
 - (c) shall be lodged with the CEO; and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the Governing Council fails to convene a general meeting within two months after the date on which a requisition of members for the meeting is lodged with the CEO, any one or more of the members who made the requisition may convene a meeting to be held not more than three months after that date.
- (5) A general meeting convened by a member or members referred to in sub-rule (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Governing Council and any member who thereby incurs expense is entitled to be reimbursed by the Association for any reasonable expense so incurred.

23. Notice

- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the CEO shall give at least fourteen days' written notice of the meeting to each member specifying the date, time and place of the meeting and the nature of the business proposed to be transacted at the meeting in such manner as the Governing Council may from time to time determine.
- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the CEO shall give at least twenty-one days' notice to each member in the manner provided for in sub-rule (1) specifying, in addition to the matters required under that sub-rule, the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to sub-rule 21(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the CEO who shall include the business contained in that notice from the member in the notice of the meeting.

24. General meetings - procedure and quorum

- (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

- (2)²³ Ten members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of the members shall be dissolved and in any other case shall stand adjourned to such time and date being not more than one month later as may be specified by the Governing Council and of which not less than seven days' notice is given to all members.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than five) shall constitute a quorum.

25. Presiding member²⁴

- (1) The President of the Governing Council shall, if present and willing so to act, preside at each general meeting of the Association.
- (2) If the President is absent from the meeting or is unwilling to act, the Vice President of the Governing Council, if present and willing to act, shall preside.
- (3) If both the President and the Vice President are absent or unwilling to act, the members present shall elect one of their number to preside at the meeting.

26. Adjournment

- (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 shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for fourteen days or more, the CEO shall give notice in such manner as the Governing Council may from time to time determine of the adjourned meeting to each member of the Association stating the date, time and place of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in sub-rule (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.

27. Making of decisions

- (1) A question arising at a general meeting of the Association shall be determined on a show of hands and unless 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 Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the Association, a poll may be demanded by the person presiding or by not less than five members present in person or by proxy at the meeting.

²³ Amended at the Annual General Meeting, 2 October 2004.

²⁴ Amended at the Annual General Meeting, 17 November 2003.

- (3) Where the poll is demanded at a general meeting, the poll shall be taken -
 - (a) immediately in the case of a poll which 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 such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

28. Voting

- (1) Subject to sub-rule (3), on a vote upon any question arising at a general meeting of the Association a member has one vote only.
- (2) All votes shall be given personally or by proxy but no member may hold more than five proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote personally or by proxy at any general meeting of the Association unless all moneys due and payable by the member to the Association have been paid, other than the amount of the annual subscription payable in respect of the then current year.

29. Appointment of proxies²⁵

- (1) Each member shall be entitled to appoint another member who is entitled to vote as proxy by notice given to the CEO no later than twenty-four hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy shall be in the form set out in Appendix 1 to these rules.

PART V - MISCELLANEOUS

30. Funds - source

- (1) The funds of the Association shall be derived from annual subscriptions of members, grants, donations and, subject to any resolution passed by the Association in general meeting and subject to section 114 of the act, such other sources as the Governing Council determines.
- (2) All money received by the Association shall be deposited as soon as practicable and without deduction to the Association's bank or other deposit account.
- (3) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

31. Funds - management

- (1) Subject to any resolution passed by the Association in general meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such a manner as the Governing Council determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two persons, one of whom shall be a member of the Executive Committee and the other of whom may be such a member, or a

member of the Governing Council or an employee of the Association authorised to do so by the Executive Committee.

- (2) Notwithstanding sub-rule 16(9), only the Governing Council may determine how the funds of the Association may be invested provided that such investments are of a kind in which trustees may invest trust funds under the Trustee Act 1925 of the State of New South Wales as applied and modified in the Territory by the Trustee Act 1957.

31A. Financial year²⁶

The financial year of the Australian Judicial Officers Association Incorporated ends on 30 June of each year.

32. Alteration of objects and Rules

Subject to sections 30, 32 and 33 of the Act, these rules and the objects of the Association may be amended by a special resolution of the Association passed in accordance with section 70 of the Act.

33. Common seal

- (1) The common seal of the Association shall be kept in the custody of the CEO.
- (2) The common seal shall not be affixed to any instrument except by the authority of the Governing Council and the affixing of the common seal shall be attested by the signatures either of two members of the Governing Council or of one member of the Governing Council and of the CEO.

34. Custody of books²⁷

Subject to the act, the regulations and these rules, the CEO shall keep in his or her control all records, and other documents relating to the Association.

35. Inspection of books

The records, books and other documents of the Association shall be open to inspection at a place appointed by the CEO, free of charge, by a member of the Association at any reasonable hour.

36. Service of notices

- (1) For the purpose of these rules, a notice may be served by or on behalf of the Association upon any member at the member's address shown in the register of members.
- (2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.
- (3) Where a document is sent to a member by facsimile transmission to the number advised by the member for the purposes of receiving such transmissions, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the member at the time of that transmission if advice of successful transmission is recorded on or by the transmitting machine.

²⁶ New rule inserted at the Annual General Meeting, 28 November 2020.

²⁷ Amended at the Annual General Meeting, 17 November 2003.

37. Public officer

The Governing Council may, from time to time, appoint a person, who may or may not be a member or qualified to be a member of the Association as the public officer in accordance with Section 57 of the act.

38. Dissolution of the association²⁸

In the event of the Association being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities shall be applied by the transfer to any organisation which has similar objects and which is exempt from income tax.

39. Discipline

Not applicable to the members of the association.

Sub-Rule 29(2)

Appendix 1 – Form of Appointment of Proxy

I, _____
(full name)

of _____
(address)

being a member of the AUSTRALIAN JUDICIAL OFFICERS ASSOCIATION

hereby appoint _____
(full name of proxy)

of _____
(address)

being a member of the Association, as my proxy to vote for me or on my behalf at the general meeting of the Association (annual general meeting or other general meeting, as the case may be) to be held on the _____ day of 20 and at any adjournment of the meeting.

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

(signature of member appointing Proxy)

Date _____

(* to be inserted if desired)

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