



NOTICE OF ANNUAL GENERAL MEETING

The Annual General Meeting of the Australasian Institute of Judicial Administration Inc. will be held on Thursday 12 November 2020 at 4.30 P.M. Australian Eastern Daylight Time (AEDT).

This meeting will be held online via Microsoft Teams*.

If you wish to attend the meeting please register by 12 noon on Thursday 12 November 2020 [using this form](#) so that you may be sent a link to the meeting.

Agenda for Annual General Meeting

- Item 1. Apologies
- Item 2. Confirmation of the Minutes of the Annual General Meeting held in Melbourne on Saturday 12 October 2019 ([download from this link](#))
- Item 3. Business Arising from the Minutes of the Previous Meeting
- Item 4. President's Report
- Item 5. Report on Membership
- Item 6. Annual Financial Report ([download from this link](#))
- Item 7. Appointment of Auditor
- Item 8. Appointment of Public Officer
- Item 9. Vote of Thanks to Retiring Council Members
- Item 10. Election of Council Members

The following is a list of Council vacancies to be filled by election at the Annual General Meeting:

CATEGORY	VACANCIES	RETIRING COUNCIL MEMBERS
Judicial Members	6	The Hon Justice Michael Elkaim The Hon Justice Susan Kenny AM The Rt Hon Dame Helen Winkelmann GNZM The Hon Justice Jennifer (Jenni) Hill** The Hon Justice Peter Applegarth** His Hon Judge Grant Riethmuller**
Professional Members	1	Ms Kate Davenport QC
Academic Member	1	Dr Brenda McGivern

* As provided in s 70AA *Associations Incorporation Act 1991* (ACT) General meetings—procedure during COVID-19 emergency.

** These members were appointed to casual vacancies until the 2020 Annual General Meeting and are eligible for election.

Retiring members of Council are eligible for re-election.

Written nominations should be sent to the Executive Director, AIJA, Level 12, 170 Phillip Street Sydney or by e-mail alison.macdonald@aija.org.au so that they are received no later than 5 p.m. on Thursday 5 November 2020.

Item 11. Location of next Annual General Meeting

Item 12. General Business

Item 13. Special business

The meeting will also consider the following special resolutions to amend the Rules of the Australasian Institute of Judicial Administration.

The intention of these amendments is:

1. to give recognition to the Indigenous Justice Committee; and
2. to create a dispute resolution mechanism for the AIJA to bring the rules into compliance with the requirements of the Associations Incorporation Act 1991 (ACT).

Indigenous Justice Committee

Special Resolution 1: That rule 12(2) be amended as follows:

There shall be a Membership and Communications Committee, an Education Committee, ~~and~~ a Research Committee and an Indigenous Justice Committee consisting of members of the Council or other members of the AIJA who shall be appointed by the Council and may be removed by the Council.

Special Resolution 2: That new rule 12(5A) be inserted as follows:

- (5A) The Indigenous Justice Committee is to promote excellence in the administration of justice in relation to Indigenous people throughout Australia, New Zealand, Papua New Guinea and the surrounding region.

Special Resolution 3: That rule 13(4) be amended as follows:

The Board of Management shall consist of the President, President-Elect and Deputy President(s) as ex officio members plus not less than three other Council members who shall be elected by the Council in accordance with sub-rule (7), provided always that amongst the members of the Board of Management there shall be included the convenors for the time being of the Membership and Communications Committee, the Education Committee, ~~and the Research Committee~~ and the Indigenous Justice Committee. One of the members of the Board of Management shall be the Honorary Treasurer of the AIJA. In the event that for any reason there is a casual vacancy on the Board of Management the Board may, subject to sub-rule (11) elect a member of Council to fill such casual vacancy

and the Councillor so elected shall hold office until the first meeting of the Council following the next Annual General Meeting of the AIJA.

Dispute Resolution Procedure

Special Resolution 4 That to allow for a dispute resolution procedure a new rule, 43A, be inserted as follows:

43A. DISPUTE RESOLUTION PROCEDURE

- (1) The procedures in this rule apply to disputes under these Rules between:
 - (a) a member and another member; or
 - (b) a member and the AIJA.
- (2) The parties must first attempt to resolve the dispute themselves.
- (3) A member may appoint any person to act on behalf of the member in respect of the dispute.
- (4) If the parties are unable to resolve the dispute, the Council must appoint a person (in this rule, “**the arbitrator**”) to resolve the dispute.
- (5) The arbitrator:
 - (a) must not have a personal interest in the dispute; and
 - (b) must be unbiased.
- (6) The arbitrator must give each party to the dispute an opportunity to be heard on the matter which is the subject of the dispute.
- (7) The arbitrator must attempt to resolve the dispute by agreement between the parties as soon as is reasonably practicable.
- (8) If the arbitrator is unable to resolve the dispute by agreement between the parties, the arbitrator must decide the dispute as soon as is reasonably practicable and notify each party to the dispute, in writing, of his or her decision and give reasons for the decision.
- (9) Subject to sub-rule (10), a decision of the arbitrator under sub-rule (8) is final and binding on all parties and members.
- (10) A party to a decision under sub-rule (8) may appeal *de novo* against the decision, within 7 days after receiving notice of the decision, by lodging with the President and delivering to each other party to the decision a notice to that effect.
- (11) An appeal under sub-rule (10) is to be heard and determined by a panel of three persons, including a chair, agreed upon by the parties to the appeal. If the parties are unable to reach agreement in whole or in part within 7 days after the delivery of the notice referred to in sub-rule (10):
 - (a) they are to notify the President promptly in writing of the extent of their agreement and disagreement;
 - (b) the President is to request that the President of the Judicial Conference of Australia determine the composition of the appeal panel and the chair;

- (c) in determining the composition of the appeal panel and the chair, the President of the Judicial Conference of Australia may nominate as members any persons who have been agreed by the parties, and such other person or persons as he or she thinks fit, being retired or practising legal practitioners of at least five years standing; and
 - (d) the determination of the President of the Judicial Conference of Australia under paragraph (c) is final and binding.
- (12) On an appeal under sub-rule (10):
- (a) each party to the appeal must be given an opportunity to be heard;
 - (b) the appeal panel is to determine the procedure to be followed; and
 - (c) the appeal panel is to determine any question arising in the appeal, including the outcome of the appeal, by majority.
- (13) If a member has initiated a dispute resolution procedure under this rule between the member and the association, the association must not take disciplinary action against any of the following people in relation to the matter which is the subject of the dispute resolution procedure until the dispute resolution procedure has been completed:
- (a) the member who initiated the dispute resolution procedure (“**the complainant member**”);
 - (b) a member of the association appointed by the complainant member under sub-rule (3) to act on behalf of the complainant member in the dispute resolution procedure.

If you are unable to attend the Annual General Meeting online, you may wish to give a written proxy to another member attending to vote on your behalf – please provide the name of your proxy using [this form](#) by 12 noon on Thursday 12 November 2020.

If you have any questions please contact the Executive Director, Alison MacDonald via email at alison.macdonald@aija.org.au



Alison MacDonald
AIJA Executive Director

Dated: 22 October 2020