



The Australasian Institute of
Judicial Administration Incorporated

RULES OF THE AUSTRALASIAN INSTITUTE OF JUDICIAL ADMINISTRATION INC.

RULES

*As amended at the Special General Meetings of 11 November 2006,
16 June 2007, 10 September 2011, 15 September 2012, 5 October 2013, 4 October 2014
and 15 October 2016, and by Special Resolution at the Annual General Meeting of 12
November 2020*

NAME

- A The name of the Institute shall be The Australasian Institute of Judicial Administration Incorporated (in these Rules called "the AIJA").

OBJECTIVE

- B. The objective of the AIJA is to promote excellence in the administration of justice throughout Australia, New Zealand and the surrounding region.

Strategies

For the purpose of attaining its mission the AIJA shall:

- (i) Stimulate public interest in the administration of justice in Australia, New Zealand and the region.
- (ii) Stimulate professional interest in the administration of justice in Australia, New Zealand and the region and for that purpose:
 - (a) Co-operate with judges, magistrates, tribunal members, lawyers, court administrators and professional teachers of law.
 - (b) Co-operate with bodies representing such persons including in particular:
 - The Judicial Conference of Australia;
 - The Law Council of Australia;
 - The Board of New Zealand Law Society;
 - The Committee of Australian Law Deans; and
 - The Committee of New Zealand Law Deans.
- (iii) Make recommendations to governments in Australia and New Zealand.
- (iv) Undertake research.
- (v) Undertake education including programmes of orientation and judicial continuing education and programmes directed to the public.
- (vi) Issue publications.
- (vii) Disseminate information by means of conferences, seminars, discussions, lectures and the like.
- (viii) Serve as a national resource centre.

PURPOSES AND POWERS

- C The purposes and powers of the AIJA shall include:-

- (i) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring and selling of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the AIJA;
- (ii) the construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects or purposes of the AIJA;
- (iii) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the AIJA;
- (iv) the taking of such steps from time to time as the Council or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the AIJA, whether by way of donations, subscriptions or otherwise;
- (v) the borrowing and raising of money in such manner and on such terms as the Council may think fit or as may be approved or directed by resolution passed at a general meeting, and securing the repayment of money so raised or borrowed or the payment of a debt or liability of the AIJA by giving mortgages, charges or securities upon or over all or any of the real or personal property of the AIJA;
- (vi) the investment of monies of the AIJA not immediately required for any of its objects or purposes in such manner as the Council may from time to time determine;
- (vii) the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which Division 30 of the Income Tax Assessment Act 1997 of the Commonwealth and Subpart LD of the Income Tax Act 2007 of New Zealand relate;
- (viii) the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts and schemes calculated to benefit employees or past employees of the AIJA and their dependants, and the making of payments towards insurance in relation of any of those purposes;
- (ix) the establishment and the financial support or aiding in the establishment or support, of any other association or corporation having objects the same as or similar to those of the AIJA;
- (x) the acquisition by purchase, donation or otherwise of a library of works relating to or having a bearing upon the administration of the law;
- (xi) the promotion and achievement of any of the objects of the AIJA by or through the facilities available in any established university, recognised research institute, council, faculty school or like institution and the making of grants of money and the provision of equipment to the same;
- (xii) the retention or employment of skilled professional or technical advisers, lecturers, teachers, experts, scientific research or other workers whose services may be deemed necessary or desirable for the operations of the AIJA and the payment therefore from the funds of the AIJA of such remuneration as may be thought expedient and also such provision as may seem expedient for the instruction of persons who are or may be engaged directly or indirectly in the administration of the law;

- (xiii) the undertaking and execution of any trust conducive to or consistent with the objects of the AIJA and the acceptance of any gift, endowment or bequest made to the AIJA generally or for the purpose of any specific object and the undertaking and execution of any trust attached to any gift, endowment or bequest provided that the AIJA shall only deal with any property which is subject to any trust in such manner as is allowed by law having regard to such trust;
- (xiv) the drawing, making, accepting, endorsing, discounting, executing and issuing of promissory notes, bills of exchange, cheques, warrants and other negotiable instruments;
- (xv) the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the AIJA or of any of the objects and purposes specified in the foregoing provisions.

1. INTERPRETATION

In these Rules

- (a) "association" includes an organization, an organized group of persons or an institution;
- (b) "corporation" includes a company.

2. MANAGEMENT AND CONTROL

- (1) The management and control of the AIJA and of the business and affairs of the AIJA shall be vested in the Council which in addition to the powers, authorities and discretions expressly conferred upon it by these Rules or otherwise may exercise all powers, authorities and discretions of the AIJA which are not by any law or by these Rules required to be exercised by the AIJA in general meeting.
- (2) The Council may from time to time at its discretion borrow or secure the payment of any sum or sums of money for the purposes of the AIJA.
- (3) The Council may raise or secure the repayment of such moneys or any debts, liabilities, contracts or obligations undertaken or incurred by the AIJA in such manner by such means and upon such terms and conditions in all respects as the Council may think fit and in particular but without prejudice to the generality of the foregoing by any mortgage or other security charged upon all or any part of the property of the AIJA and the Council may give or accept guarantees or indemnities as it may think desirable.
- (4) The Council may from time to time make, vary and repeal regulations for the purpose of managing the AIJA and its business affairs.

3. THE COUNCIL

- (1) The Council shall consist of twenty-two elected members, six appointed members and such number of observers as Council may from time to time decide.
- (2) Nine members of the Council shall at the time of their election be judges of a Court of the Commonwealth of Australia, New Zealand, or of a State or Territory of

Australia or magistrates appointed to sit in a State or Territory of Australia (hereinafter called "the Judicial Members") provided always that one of the Judicial Members shall be Judicial Member of a New Zealand Court.

- (3) Six members of the Council shall at the time of their election be practising members of the legal profession in Australia or New Zealand (not being persons referred to in sub-rule (4)) (hereinafter called "the Professional Members").
- (4) Two members of the Council shall at the time of their election be persons employed as lawyers by the government of the Commonwealth, New Zealand, or of a State or Territory or by a public authority (hereinafter called "the Members in Government Service").
- (5) Two members of the Council shall at the time of their election be professional law teachers (hereinafter called "the Academic Members").
- (6) Six members of the Council shall be distinguished persons who need not be qualified for membership of the Council under sub-rules (2) to (5) inclusive (hereinafter called "the Appointed Members").
- (7) Two members of the Council shall at the time of their election be court administrators (hereinafter called "the Court Administrators").
- (8) One member of the Council shall at the time of his or her election be a member of a dispute resolving tribunal in Australia (hereinafter called the "Tribunal Member").
- (9) An observer shall be a member of the Judiciary in a country in the Asia/Pacific region whose appointment as an observer to Council has been nominated, or approved, by the Chief Justice of the jurisdiction in which he or she holds office.

4. APPOINTED AND OVERSEAS OBSERVERS

The Appointed Members of the Council shall hold office by appointment of the Council for such periods as the Council may determine, and an observer shall likewise be an observer for such period as the Council may determine.

5. COUNCIL ELECTIONS

- (1) At each Annual General Meeting as close as possible to one third of the elected members of the Council shall retire. Elected members of Council shall hold office for three years. Any retiring member of Council is eligible to stand for re-election.
- (2) A casual vacancy on the Council may be filled by the Council. The person appointed to a casual vacancy shall hold office until the commencement of the next Annual General Meeting.

6. PRESIDENT, DEPUTY PRESIDENT(S) AND PRESIDENT-ELECT

- (1) Subject to this rule there shall be a President, at least one but no more than two Deputy Presidents and a President Elect of the AIJA.
- (2) The President, Deputy President(s) and President Elect shall be office bearers of the AIJA.

- (3) The office bearers shall hold office only so long as they are members of Council and the office of President, Deputy President(s) or President Elect as the case may be shall become vacant immediately upon the holder of such office ceasing to be a member of Council.
- (4) At the first Council Meeting following each Annual General Meeting the Council shall, if a casual vacancy among the office bearers of the AIJA would, but for this provision, exist at the conclusion of the meeting, elect from their number a President, one or two Deputy Presidents and a President Elect as the case requires.
- (5) The President shall hold office for two years and shall retire from office at the conclusion of the first Council Meeting following the second Annual General Meeting since his or her election.
- (6) The Deputy President(s) shall hold office for one year and shall retire from office at the conclusion of the first Council Meeting following the first Annual General Meeting since his or her election.
- (7) The President Elect shall hold office for one year from the commencement of the second year of the President's term and shall retire from office at the conclusion of the first Council Meeting following the next Annual General Meeting. The President Elect, the Acting President or the Acting President Elect as the case may be shall assume the office of President upon the expiration of the President's term of office unless unable or unwilling to act.
- (8) If at any time the office of President is vacant or the President is unable or unavailable to act the President Elect or the Acting President Elect as the case may be shall assume the office of Acting President unless unable or unwilling to act. A person who becomes Acting President shall hold such office for so much of the President's term as remained unexpired at the time when the office became vacant or until the President is able or becomes available as the case may be.
- (9) If at any time the office of President Elect is vacant or the President Elect is unable or unavailable to act the Council shall appoint a Deputy President as Acting President Elect unless unable or unwilling to act. A person who becomes Acting President Elect shall hold such office for so much of the President Elect's term as remained unexpired at the time when the office became vacant or until the President Elect is able or becomes available as the case may be.
- (10) If at any time an office of Deputy President is vacant or the Deputy President is unable or unavailable to act the Council shall appoint one of their number to the office of Acting Deputy President. A person who becomes an Acting Deputy President shall hold office for so much of the Deputy President's term as remained unexpired at the time when the office became vacant or until the Deputy President is able or becomes available as the case may be.

7. RE-ELECTION OF COUNCIL

- (1)
 - (a) Nominations for election or re-election as members of the Council may be made in writing signed by the candidate or may be taken at the Annual General Meeting.
 - (b) Written nominations shall be delivered to the Administrator of the AIJA not less than 7 days before the date fixed for the Annual General Meeting at which the election is to take place.

- (2) If the number of nominations received is equal to the number of vacancies in any category to be filled, the persons nominated shall be deemed to be elected.
- (3) If the number of nominations exceeds the number of vacancies to be filled in any category a ballot shall be held.
- (4) The ballot for the election of members of the Council shall be conducted at the Annual General Meeting in such usual and proper manner as the President may direct.

8. LATER CONSENT TO ELECTION OR APPOINTMENT

When a person is elected to Council at an Annual General Meeting or appointed by Council to a casual vacancy on Council -

- (a) if the person has already consented to be elected or appointed, he or she becomes immediately upon election or appointment a member of the AIJA (if not already one) and a member of the Council;
- (b) if the person consents to the election or appointment within two months after it, he or she becomes a member of the AIJA (if not already one) and a member of the Council at the time when such consent is given, and if the person does not consent within the two months, the office to which he or she was elected or appointed shall then be treated as vacant and shall be filled as a casual vacancy.

9. CONDITIONS OF SERVICE OF COUNCILLORS

- (1) Subject to sub-rule (2), the office of Councillor of the AIJA becomes vacant if the Councillor -
 - (a) dies;
 - (b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his or her creditors;
 - (c) becomes of unsound mind;
 - (d) resigns his or her office by writing under his or her hand addressed to the President, Secretary or Membership Officer.
 - (e) without leave of absence granted either at a meeting, from which he or she is absent or at an earlier meeting, absents himself or herself from three consecutive meetings of the Council;
 - (f) ceases to be a member of the AIJA; or
 - (g) fails to pay all arrears of subscription and any other sums due by him or her within thirty days after he or she has received a notice in writing signed by the Membership Officer stating that his or her subscription or the other sum is in arrears and having endorsed on it or attached to it a copy of this Rule.
- (2) The office of a Councillor does not become vacant under paragraphs (b) (c) (e) (f) or (g) of sub-rule (1) until the Council, after giving the Councillor reasonable notice that it proposes to consider declaring his or her office vacant, and thereafter a reasonable opportunity of being heard, at its discretion, declares the office vacant.

10. MEETINGS OF COUNCIL

- (1) The Council shall meet at such place and at such time as it may determine.
- (2) Special meetings of the Council may be convened by the President, and shall be convened by the President if requested to do so by three of its members.
- (3) Notice shall be given to members of the council of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.
- (4) Eight members of Council shall constitute a quorum for the transaction of the business of a meeting of the Council.
- (5) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall lapse.

11. COUNCILLOR INTERESTED IN CONTRACT

- (1) A member of the Council who is interested in any contract or arrangement made or proposed to be made with the AIJA shall disclose his or her interest at the first meeting of the Council at which the contract or arrangement is first taken into consideration, if his or her interest then exists, or, in any other case, at the first meeting of the Council after the acquisition of the interest.
- (2) If a member of the Council becomes interested in a contract or arrangement after it is made or entered into he or she shall disclose his or her interest at the first meeting of the Council after becoming so interested.
- (3) No member of the Council shall vote as a member of the Council in respect of any contract or arrangement in which he or she is interested and if he or she does so vote his or her vote shall not be counted.

12. COMMITTEES

- (1) The Council may appoint committees consisting of members of the Council, other members of the AIJA or other persons as it thinks fit and any Committee so formed shall in the execution of its functions conform to any directions of the Council.
- (2) There shall be a Membership and Communications Committee, an Education Committee, 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.
- (3) The Membership and Communications Committee is to implement steps to encourage new membership of the AIJA and to provide better communication between the AIJA and others.
- (4) The Education Committee is to promote and manage educational seminars and conferences.

- (5) The Research Committee is to approve all scientific research projects of the AIJA and the persons and organisations who are to carry out that research. The Research Committee is to approve all payments from the Research Fund.
- (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.
- (6) Three members of the Membership and Communications Committee, the Education Committee and the Research Committee shall form a quorum.

13. BOARD OF MANAGEMENT

- (1) There shall be a Board of Management constituted as hereinafter provided.
- (2) Subject to such directions as to policy and otherwise as may be given by a general meeting or the Council from time to time, the Board of Management may exercise all the powers and authorities conferred on the Council. It shall be the duty of the Board of Management to transact the business and carry on the management of the affairs of the AIJA.
- (3) The Board of Management shall be responsible to the Council for the due administration of the affairs of the AIJA and shall furnish the Council with full reports of its administration.
- (4) 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, 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
- (5) The Board of Management may, by resolution, co-opt one or more members of the Council to be member(s) of the Board either generally or for a specific purpose, and any Councillor so co-opted shall hold office upon such terms and/or for such period as is specified in the resolution by which such Councillor is co-opted to the Board.
- (6) If any member of the Board of Management should be unable for any reason to attend meetings of the Board he or she may at any time appoint as an alternate a member of the Council to represent him or her during his or her absence from the Board and any such alternate shall have the same rights and privileges as the member represented.
- (7) The election of the three ordinary Councillors of the Board shall be held at the first meeting of the Council after the holding of the Annual General Meeting.
- (8) The Chairman of the Board of Management shall be whichever of the following in the order set out below is present at a meeting: the President, the Acting President, the President Elect, the Acting President Elect, a Deputy President, an Acting Deputy President, the person elected by the Board from its number.

- (9) Members of the Board, while they are Councillors, shall remain in office until the first meeting of the council held after the next Annual General Meeting of the AIJA following their election.
- (10) Three members of the Board shall form a quorum.
- (11) The Council may at a meeting specially convened for the purpose remove any or all of the members of the Board of Management other than the ex officio members and appoint any other member or members of the Council in the place of the member or members so removed and may also appoint any member of the Council in the place of any member of the Board who has died or resigned. A member appointed to the Board under this sub-rule shall hold office until the first meeting of the Council held after the next ensuing Annual General Meeting of the AIJA.

14. POWER PENDING REPLACEMENT

Any member of the Council or the Board of Management or a Committee who is not replaced at the end of the member's term of office shall, notwithstanding the casual vacancy in the office, be entitled to exercise the powers of the office until replaced.

15. APPOINTMENT OF PATRON

The Council may from time to time in its discretion appoint a Patron of the AIJA.

16. PUBLIC OFFICER

The Public Officer shall be appointed and may be removed by the Council.

16A. MEMBERSHIP OFFICER

The Membership Officer shall be appointed and may be removed by the Council.

17. MEMBERSHIP QUALIFICATION

- (1) The following persons, associations or corporations within Australia, New Zealand, Papua New Guinea or any other country shall be eligible to become members of the AIJA -
 - (a) The Law Council of Australia and its constituent bodies;
 - (b) Any law society, association or corporation representing the legal profession;
 - (c) Any person holding judicial office;
 - (d) Any person who is a graduate in law or jurisprudence of a university or other tertiary institution in Australia, New Zealand, Papua New Guinea or any other country;
 - (e) Any person who is entitled to practise the profession of law in any part of Australia, New Zealand, Papua New Guinea or any other country including a lawyer in government service;

- (f) Any member of the teaching or research staff of a Department, Faculty or School of Law at a university or other tertiary institution or of a College of Law, Legal Workshop or institution providing post-graduate training in the law or legal practice;
 - (g) Any member of, or any member of the research staff of, a law reform agency or institute or school of criminology;
 - (h) Any Court Administrator;
 - (i) Any Managing Clerk, Articled Law Clerk, Law Clerk, Clerk of Court, Clerk of Petty Sessions or Clerk of a Local Council;
 - (j) Any member, whether legally qualified or not, of a tribunal established by Statute that has a dispute resolution function;
 - (k) Any person, association or corporation of a class the members of which the Council decides should be eligible for membership;
 - (l) Any Court librarian or Legal librarian;
 - (m) Any person, association or corporation, whether eligible under the preceding paragraphs of this sub-rule to become a member or not, whom the Council decides to admit to membership;
 - (n) Any organisation responsible for the administration of legal aid;
 - (o) Any person with a bona fide interest in judicial administration.
- (2) An application for membership shall be made in writing to the Membership Officer and shall be accompanied by the amount of the annual subscription. The Membership Officer may accept the application and admit the applicant to membership or may refer the application to the Council. The Council shall consider such a referred application at its next meeting and may by resolution -
- (a) admit the applicant to membership;
 - (b) defer the application; or
 - (c) refuse the application.
- (3) Upon a person being admitted to membership pursuant to the provisions of this rule or becoming a member by virtue of Rule 7, the Membership Officer shall enter his, her or its name in the register of members and shall notify the member in writing that he, she or it has been admitted to membership of the AIJA;
- (4) If an application for membership is refused by the Council, the Membership officer shall notify the applicant in writing and any amount tendered by the applicant by way of subscription shall be refunded.
- (5) Council may by resolution admit to honorary membership of the AIJA, either for life or for a fixed term, any person or any holder for the time being of any office.

18. FINANCE

- (1) The income and property of the AIJA, however derived, shall be applied solely towards the promotion of the objects and purposes of the AIJA and no portion

thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the AIJA.

- (2) There shall be a fund to be known as the Research Fund, into which will be paid all monies to be applied for the scientific research purposes of the AIJA, and those monies shall be applied only for those purposes.
- (3)
 - (a) No remuneration by way of fees, salary allowances or otherwise shall be paid to any member of the Council.
 - (b) With the approval of the Council and subject to such conditions or limitations as it may impose members of the Council shall be entitled to reimbursement for reasonable travelling, accommodation and other expenses properly incurred by them in attending and returning from meetings of the Council or meetings of the Board of Management or meetings of Committees of the AIJA.
- (4) Nothing in the foregoing provisions of this Rule shall prevent the payment to an employee of or contractor to or member of the AIJA (not being a member of the Council) of -
 - (a) remuneration in return for services actually rendered to the AIJA by the employee or member or for goods supplied to the AIJA in the ordinary course of business;
 - (b) interest at a rate agreed to by the Council on monies lent to the AIJA;
 - (c) a reasonable and proper sum by way of rent for premises or goods let by the employee, contractor or member of the AIJA.
- (5) Subject to any resolution passed by the AIJA in general meeting, the funds of the AIJA shall be used for the objects of the AIJA in such manner as the Council determines.
- (6) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the Council or employees at the AIJA, being members of the Council or employees authorised to do so by the Council.

19. ACCOUNTING

- (1) The Council shall cause proper books of account to be kept with respect to -
 - (a) all sums of money received or expended or otherwise dealt with by the AIJA and the matters in respect of which the receipts and expenditures take place;
 - (b) all sales and purchases of goods and other transactions of the AIJA; and
 - (c) the assets and liabilities of the AIJA.
- (2) The books of account shall be kept at the office of the AIJA or at such other place as the Council thinks fit and shall always be open to inspection by members of Council.
- (3) The Council shall from time to time determine at what times and places and under what conditions or regulations the accounts and books of the AIJA or any of them shall be open to inspection by members not being members of Council.

- (4) The Council shall from time to time cause to be prepared and laid before the AIJA in general meeting all usual and proper income and expenditure accounts, balance sheets and reports.

20. APPOINTMENT OF AUDITOR

- (1) At each Annual General Meeting of the AIJA, the members present shall appoint a person who is not a member or the Public Officer of the AIJA as the auditor of the AIJA.
- (2) A person so appointed shall hold office until the Annual General Meeting next after that at which he or she is appointed and is eligible for re-appointment.
- (3) If an appointment is not made at an Annual General Meeting the Council shall appoint an auditor of the AIJA for the then current financial year of the AIJA.
- (4) If a casual vacancy occurs in the office of auditor during the course of a financial year of the AIJA, the Council may appoint a person as the auditor and the person so appointed shall hold office until the next succeeding Annual General Meeting.

21. FINANCIAL YEAR

The financial year of the AIJA begins on the first day of July in each year.

22. EXAMINATION OF ACCOUNTS

- (1) Once at least in each financial year the accounts of the AIJA shall be examined by the auditor.
- (2) The auditor shall certify as to the correctness of the accounts of the AIJA and shall report thereon to the members present at the Annual General Meeting.
- (3) The Executive Director of the AIJA shall cause to be delivered to the auditor a list of all the accounts, books and records of the AIJA.
- (4) The auditor -
 - (a) has a right to access to the accounts, books, records, vouchers and documents of the AIJA;
 - (b) may require from the employees of the AIJA such information and explanations as may be necessary for the performance of his or her duties as auditor;
 - (c) may employ persons to assist him or her investigating the accounts of the AIJA; and
 - (d) may, in relation to the accounts of the AIJA, examine any member of the Council or any employee of the AIJA.

22A. CUSTODY AND INSPECTION OF BOOKS

All records, books and other documents relating to the association shall be kept at the office of the AIJA or at such other place as the Council thinks fit.

The books and documents of the association may be inspected by members of the association at the office of the AIJA by appointment with the Executive Director.

23. ANNUAL GENERAL MEETING

- (1) The AIJA shall, once each calendar year, hold an Annual General Meeting.
- (2) The Annual General Meeting shall be held on such day (being not later than five months after the close of the financial year of the AIJA) as the Council may determine.
- (3) The Annual General Meeting shall be in addition to any other general meeting that may be held in the same year.
- (4) The Annual General Meeting shall be so specified in the notice convening it.
- (5) The ordinary business of the 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 Council, auditor and employees of the AIJA reports upon the transactions of the AIJA during the preceding financial year;
 - (c) to elect the members of the Council;
 - (d) to appoint the auditor or authorise the Council to do so.
- (6) The Annual General Meeting may transact special business of which notice is given in accordance with these Rules.
- (7) All general meetings other than the Annual General Meeting shall be called special general meetings.

24. SPECIAL GENERAL MEETING

- (1) The Council or the President may, whenever it, he or she thinks fit, convene a special general meeting of the AIJA.
- (2) The Council or the President shall, on the requisition in writing of not less than one quarter of the members, convene a special general meeting of the AIJA.
- (3) A requisition for a special general meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the office of the AIJA and may consist of several documents in the like form, each signed by one or more of the requisitionists.
- (4) If the Council or the President does not cause a special general meeting to be held within forty-two days from the date on which a requisition therefore is deposited at the office of the AIJA, the requisitionists, or any of them, may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.

- (5) A special general meeting convened by requisitionists in pursuance of these Rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Council; if a majority of those present and entitled to vote so decide, all reasonable expenses incurred in convening the meeting shall be refunded by the AIJA to the persons incurring them.

25. PRESIDENT CALLING MEETINGS

Subject to any direction to the contrary from the Council the President may call any annual or special general meeting, ordinary or special Council meeting or Board of Management meeting or may alter the date, time and place for which any such meeting is called from the date, time and place for which the meeting was first called.

26. NOTICE OF MEETINGS

At least fourteen days before the date fixed for holding a general meeting of the AIJA, there shall be posted to each member a notice specifying the place, day and time for the holding of the meeting, and the nature of the business to be transacted.

27. BUSINESS AT MEETING

- (1) All business transacted at a general meeting with the exception of that referred to in these Rules as being the ordinary business of the Annual General Meeting, shall be deemed to be special business.
- (2) Eight members present personally or by proxy (being members entitled under these Rules to vote thereat) constitute a quorum for the transaction of the business.
- (3) 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 when the meeting is considering that item.
- (4) If within one 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 members, shall be dissolved; and in any other case it shall stand adjourned to a time and date to be determined by the meeting and (unless another place is specified by the President 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, and if at the adjourned meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.

28. PRESIDENT

The Chairman of a general meeting shall be whichever of the following in the order set out below is present at the meeting: the President, the Acting President, the President Elect, the Acting President Elect, a Deputy President, an Acting Deputy President, the person elected by the meeting from their number.

29. ADJOURNED MEETINGS

- (1) The chairman of a general meeting at which a quorum is present may, with the consent of 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 meeting is adjourned for twenty-one days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.
- (3) Except as provided in the foregoing provisions of this Rule, it is not necessary to give any notice of an adjourned meeting.

30. CARRYING OF RESOLUTIONS

A question arising at a general meeting of the AIJA shall be determined on a show of hands provided that if a poll is demanded, proxies will be counted. A declaration by the chairman that a resolution has been carried, or carried unanimously, or carried by a particular majority, or lost, and any entry to that effect in the minute book of the AIJA, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

31. VOTING AT GENERAL MEETINGS

- (1) At a general meeting of the AIJA -
 - (a) upon any question, a member has only one vote, except that in the case of an equality of voting, the chairman of the meeting is entitled to exercise a second or casting vote;
 - (b) an individual member who has a written proxy from another individual member may exercise the vote of that other member in a poll;
- (2) At a general meeting or any function of the AIJA an individual person who has a written authority from a member which is an association or corporation to represent that member, may exercise the same rights and powers on behalf of that member as the member could exercise if it were an individual member present at the meeting or function.

32. ELECTION AS LIFE MEMBER

- (1) A member who has given especially meritorious service to the AIJA may be elected as a Life Member of the AIJA. Election will be by the Council. A Life Member may remain a member, and if he or she should cease to do so, shall, with his or her approval, become an Honorary Life Member.
- (2) A person, whether or not a member, who has given outstanding service to the administration of justice, beyond the call of his or her ordinary duties, may with his or her approval be elected, in the case of a member, as a Life Member, and in the case of a non-member, as an Honorary Life Member of the AIJA. Election shall be by the Council. A member elected a Life Member under this sub-rule may remain a member, and if he or she should cease to do so shall, with his or her approval, become an Honorary Life Member.

33. ANNUAL SUBSCRIPTION

- (1) There shall be an annual subscription to be paid by members, the amount of which shall be determined by the Council. The Council may decide that the subscription payable by members which are associations or corporations may be different from that payable by members who are individual persons.
- (2) The annual subscription of a member is due and payable on or before the first day of the financial year of the AIJA or, in relation to a particular year or years, at such other time as the Council may determine.
- (3) If the first subscription of an applicant for membership or a new member is received by the AIJA between the 1st July and the 31st December in any one year he, she or it shall be a financial member thereby to the 30th June in the ensuing calendar year; if received between 1st January and 30th June in any one year, he, she or it shall be a financial member to the end of the ensuing year ending 30th June.

34. COMMON SEAL

- (1) The seal of the AIJA shall be in the form of a rubber stamp, inscribed with the name of the AIJA encircling the word "Common Seal".
- (2) The seal of the AIJA shall not be affixed to any instrument except by the authority of the council or the Board of Management and the affixing thereof shall be attested by the signatures either of two members of the Council or of one member of the Council and of the Executive Director of the AIJA or such other person as the Council may appoint for that purpose, and that attestation is evidence for all purposes that the seal was affixed by authority of the Council.
- (3) The seal shall remain in the custody of the Executive Director.

35. GIVING OF NOTICES

- (1) A notice may be given or served by or on behalf of the AIJA to any member either -
 - (a) personally; or
 - (b) by posting it in a prepaid letter properly addressed to the member at the last address which the member notified to the AIJA or at the usual or last know place of abode or business of the member; or
 - (c) by delivering it to the document exchange which the member last advised the AIJA to be available for delivery of documents to the member, in a letter addressed to the member as specified in the advice; or
 - (d) by email or facsimile transmission if the member has provided an email address or a facsimile number to the AIJA.
- (2) On the third day after a letter is posted in accordance with paragraph (b) of sub-rule 1 or delivered in accordance with paragraph (c) of sub-rule 1, the notice in it is deemed to be given to and served on the member.

36. AMENDMENT

- (1) These Rules may be amended by resolution passed by a three-quarters majority of financial members voting at a general meeting, present personally or by proxy.

- (2) Notice of the proposed amendment shall be included in the notice calling the general meeting.
- (3) An amendment to the objects and purposes of the AIJA shall not be effective until approved by the Registrar.

37. DISSOLUTION

If upon the winding up or dissolution of the AIJA there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the AIJA but shall be given or transferred to some other association or corporation having objects similar to the objects of the AIJA and approved under S73A of the Income Tax Assessment Act such an association or corporation to be determined by the members of the AIJA at or before the time of dissolution or in default by such Judge of the Supreme Court of the Australian Capital Territory as may have or acquire jurisdiction in the matter and if and so far as effect cannot be given to this provision then to a public educational association or corporation.

38. SIGNED RESOLUTIONS

If a majority of the members of the Council, Board of Management, Research Committee or any other committee of the AIJA make a decision by signing a written resolution or separate copies of a written resolution or by agreeing or assenting to the decision in any other way, the decision shall be as valid, binding and effectual as if it were a resolution passed at a meeting of the Council, Board of Management, Research Committee or other committee of the AIJA, as the case may be, duly called and held. Provided that a copy of the proposed resolution or other notice of it was given to each member of the Council, Board of Management, Research Committee or other committee as the case may be. A minute of every such decision shall be entered in the appropriate minute book.

39. VALIDATION OF ACTS

- (1) Subject to this Rule, all acts done in good faith by -
 - (a) a committee of the AIJA or persons purporting to act as such a committee; or
 - (b) a person holding or purporting to hold an office or position in the AIJA;shall be valid notwithstanding any invalidity that may afterwards be discovered in -
 - (i) the election or appointment of the committee or any member of it or of any of the persons purporting to act as the committee;
 - (ii) the election or appointment of the person holding or purporting to hold the office or position; or
 - (iii) the making or alteration of a rule of the AIJA.
- (2) In this Rule -

"committee of the AIJA" means the Council, the Board of Management, the Research Committee or any other committee, or other body of or within the AIJA;

"invalidity" includes nullity, and includes any invalidity or nullity resulting from any omission, defect, error, irregularity or absence of quorum or caused by the fact that -

- (a) the members or one or more members of a committee of the AIJA or the persons or one or more of the persons purporting to act as the members of such a committee or a person holding or purporting to hold an office or position in the AIJA -
 - (i) have or has not been elected or appointed or duly elected or appointed;
 - (ii) have or has purported to be elected or appointed by an election or appointment that was a nullity;
 - (iii) were not or was not entitled to be elected or appointed;
 - (iv) were or was elected or appointed or purported to be elected or appointed where one or more or all of the persons who took part in the election or appointment or the purported election or appointment was or were not entitled to do so;
 - (v) were or was not a member of the AIJA; or
 - (vi) were or was elected or appointed or purported to be elected or appointed where one or more or all of the persons who took part in the election or appointment or the purported election or appointment was or were not members of the AIJA or the committee of the AIJA doing or purporting to do the election or appointment;
 - (vii) have or had ceased to be a member of the AIJA or the committee or to hold the office or position; or
 - (b) persons took part in the making or purported making or the alteration or purported alteration of the Rules of the AIJA, as officers, position holders or voters or otherwise, who were not entitled to do so or were not members of the AIJA.
- (3) For the purposes of this Rule -
- (a) a person shall not be treated as purporting to act as a member of the AIJA or of a committee of the AIJA or as the holder of an office or position in the AIJA unless he or she has in good faith purported to be, and has been, treated by officers or members of the AIJA as being such a member or the holder of the office or position;
 - (b) knowledge of facts from which an invalidity arises is not of itself to be treated as knowledge that the invalidity exists; and
 - (c) an invalidity shall not be treated as discovered before the earliest time when the existence of the invalidity was known to a majority of the members of the Council or to a majority of the persons purporting to act as the Council.
- (4) This Rule applies to an act whenever done, including an act done before this Rule came into effect and an act done before the incorporation of the AIJA.
- (5) Nothing in this Rule validates the expulsion of a member of the AIJA or the removal of a member from an office or position in the AIJA or from membership of a committee of the AIJA or a declaration that an office or position held by the member

is vacant or the imposition of any penalty upon a member, which would not have been valid if this Rule had not been made.

40. AFFILIATION

The AIJA by its Council may resolve that the AIJA affiliate with an association or corporation engaged in education or research or the advancement of knowledge respecting the administration of justice or with objects similar to those of the AIJA upon such terms and conditions as to the Council seem appropriate.

41. RESIGNATION OF MEMBERS

- (1) A member of the AIJA may, at any time, resign from the AIJA by delivering or sending by post to the Membership Officer notice of resignation.
- (2) Upon receipt of a notice under sub-rule (1) of this Rule, the Membership Officer shall remove the name of the member by whom the notice was given from the register of members, whereupon that member shall cease to be a member of the AIJA.
- (3) A right, privilege, or obligation of a person by virtue of his membership of the AIJA -
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon the cessation of his or her or its membership, whether by death, resignation or otherwise.
- (4) Members are not liable on a winding up to contribute towards payment of liabilities of the AIJA.

42. EXPULSION

- (1) Subject to this Rule, the Council, after giving a member reasonable notice that it proposes to consider expelling him, her or it on specified grounds, and thereafter giving the member a reasonable opportunity of being heard, if in the opinion of the Council the member has been guilty of conduct detrimental to the interests of the AIJA, may expel the member from the AIJA.
- (2) The expulsion of a member pursuant to sub-rule (1) of this Rule does not take effect -
 - (a) until the expiration of thirty days after the service on the member of a notice under sub-rule (3) of this Rule; or
 - (b) if the member exercises his, her or its right of appeal under this Rule, until the conclusion of the special general meeting convened to hear the appeal whichever is the later date.
- (3) Where the Council expels a member from the AIJA the Membership Officer of the AIJA shall, without undue delay, cause to be served on the member a notice in writing -
 - (a) stating that the Council has expelled the member;
 - (b) specifying the grounds for the expulsion; and

- (c) informing the member that if he, she or it so desires, he she or it may, within fourteen days after the service of the notice on him, her or it appeal against the expulsion as provided in this Rule.
- (4) A member on whom a notice under sub-rule (3) of this Rule is served may appeal against the expulsion to a special general meeting by delivering or sending by post to the Membership Officer of the AIJA, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his or her or its appeal.
- (5) Upon receipt of a requisition under sub-rule (4) of this Rule, the Membership Officer shall forthwith notify the Council of its receipt and the Council or President shall thereupon cause a special general meeting of members to be held within forty-two days after the date on which the requisition is received by the Membership Officer.
- (6) At a special general meeting convened for the purpose of this Rule -
 - (a) no business other than the question of the expulsion shall be transacted;
 - (b) the Council may place before the meeting details of the grounds of the expulsion and the Council's reasons for the expulsion;
 - (c) the expelled member shall be given an opportunity to be heard; and
 - (d) the members present shall vote by secret ballot on the question whether the expulsion should be revoked or confirmed.
 - (e) The President shall not be entitled to exercise a second or casting vote.
- (7) If, of the valid votes cast at the special general meeting,
 - (a) a majority favour the revoking of the expulsion or there is an equality of votes, the expulsion shall be deemed to have been revoked and the expelled member is entitled to continue his, her or its membership of the AIJA;
 - (b) a majority favour the confirmation of the expulsion, the expulsion takes effect and the expelled member ceases to be a member of the AIJA.

43. TERMINATION OF MEMBERSHIP

The Council, after giving a member reasonable notice that it proposes to consider terminating his, her or its membership on the ground that payment of the member's annual subscription is in arrears on that the member is not eligible for membership of the AIJA and thereafter giving the member a reasonable opportunity of being heard, may terminate the member's membership if, in the opinion of the Council one of these grounds is established.

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.

44. LOCAL CHAPTERS

In order to further the AIJA’s objective the Council may approve the formation of a local chapter of the AIJA. Each local chapter of the AIJA shall, except to the extent to which the Council approves otherwise, operate in accordance with the model rules set out in Schedule 1 to the AIJA Rules.

Schedule 1 - Model Rules for Local Chapters

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PART I - PRELIMINARY

1. In these rules, unless a contrary intention appears –
 - (a) a reference to a function includes a reference to a power, authority and 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.

PART II - MEMBERSHIP

2. A person is qualified to be a member of a local chapter if that person is an individual member of the AIJA or is a nominee of a corporate member of the AIJA.
3. A person ceases to become qualified to be a member of a local chapter if the person ceases to be an individual member of the AIJA or, in the case of a nominee of a corporate member of the AIJA, the corporate member ceases to be a member of the AIJA.

PART III - THE EXECUTIVE COMMITTEE

4. A Local Chapter shall have an Executive Committee ('the committee') constituted in accordance with the provisions of these Rules.

5. The committee, subject to these rules, and to any resolution passed by the AIJA in general meeting -
 - (a) shall control and manage the affairs of the local chapter;
 - (b) may exercise all such functions as may be exercised by the local chapter other than those functions that are required by these rules to be exercised by the local chapter in general meeting; and
 - (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the local chapter.
6. The Executive Committee shall consist of -
 - (a) the office-bearers of the local chapter; and
 - (b) no more than twelve ordinary committee members, each of whom shall be elected pursuant to rule 10 or appointed in accordance with rule 9.
7. The office-bearers of the local chapter shall be -
 - (a) the Convenor;
 - (b) the Deputy Convenor;
 - (c) the treasurer; and
 - (d) the secretary.
8. Each member of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
9. In the event of a vacancy in the membership of the committee, the committee may appoint a member of the local chapter to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.
10. Election of Committee Members
 - (a) Nominations of candidates for election as office-bearers of the local chapter or as ordinary committee members -
 - (1) shall be made in writing, signed by 2 members of the local chapter and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
 - (2) shall be delivered to the secretary of the local chapter not less than 7 days before the date fixed for the annual general meeting at which the election is to take place.
 - (b) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
 - (c) If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be vacancies.
 - (d) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be taken to be elected.
 - (e) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.

- (f) The ballot for the election of office-bearers and ordinary committee members shall be conducted at the annual general meeting in such manner as the committee may direct.
- 11. The Executive Committee shall meet together for the dispatch of business on a regular basis as determined by the Committee and shall operate in accordance with rules of procedure determined by the Committee.
- 12. The Executive Committee shall at all times ensure that the AIJA Secretariat is notified of the name and address of the Secretary of the local chapter in order that any correspondence and inquiries to the chapter may be directed to the Secretary.

PART IV - LOCAL CHAPTER ACTIVITIES

- 13. Any activities carried out by a local chapter must be consistent with the AIJA's objective and strategies;
- 14. A local chapter is responsible for organising and conducting its own activities.
- 15. A local chapter shall provide a brief report on its activities to each AIJA Council Meeting (or otherwise as Council requests).
- 16. The meetings and activities of a local chapter shall be documented and a copy of that documentation supplied to the AIJA Secretariat. The Secretariat shall provide a copy of that documentation to each of any other local chapters and to members of Council as requested.
- 17. A local chapter shall provide an annual report of its activities and achievements to the AIJA Secretariat in the month of June each year, for inclusion in the AIJA's Annual Report.
- 18. A local chapter shall provide assistance with AIJA activities in that chapter's jurisdiction under the direction of the AIJA and with clear and appropriate delegations;

PART V - MISCELLANEOUS

- 19. A local chapter may not make public statements on behalf of the AIJA without approval from Council, the Board or the President;
- 20. A local chapter may not incur expenses or liabilities to be met by the AIJA without Council or Board approval;
- 21. Correspondence and inquiries in relation to a local chapter shall be directed to the Secretary of that chapter.
- 22. Any additional Rules or Constitution agreed by a local chapter shall be consistent with the AIJA Rules and must be approved by the AIJA Council.

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