

# Road Trauma Support Services Victoria

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## RULES OF THE ASSOCIATION

**Registered No. A0036462C**

### ***NAME***

1. The name of the incorporated association is **Road Trauma Support Services Vic** (in these Rules, called "the Association").

### **Statement of Purposes**

1. The primary purpose is the relief of suffering caused by road trauma through direct assistance to any person physically or emotionally traumatised by a road collision.
2. To be a non-profit organisation seeking to provide an effective and accessible system of help and support to people affected directly or indirectly by road trauma throughout Victoria.
3. To recognise and help anyone involved in a traumatic event of a road collision whether in the capacity of an injured person or their friend/s, a family member of an injured person, those bereaved as a result of the collision, those who may have caused an injury, witnesses and bystanders, emergency service providers and communities affected by a road collision.
4. To ensure all people suffering through road trauma are offered early counselling and emotional support and information to assist them in their suffering, rehabilitation, grieving, planning and decision making.
5. To provide ongoing care and support to the direct, secondary, related and other victims of road trauma through the use of qualified professionals and volunteers. This process is to involve the training and support of an adequate number of volunteers who are to be referred to as peer supporters throughout the State.
6. To assist:
  - a. direct victims who are those injured either physically or psychologically as a direct result of road trauma;
  - b. secondary victims who are present at the scene of the collision and who are injured physically or psychologically as a result of the road trauma;

- c. related victims, who at the time of the road trauma were close family members, a dependent, friend or person who had a personal relationship with a direct victim and has suffered or is suffering as a result of that relationship and the road traumas;
  - d. other victims who may not have had a close personal relationship with the direct victim but are suffering as a result of the effects of road trauma upon others
7. To provide, in the following ways, assistance for the identified group who are suffering;
- a. Providing crisis intervention and ongoing counselling for those seriously affected;
  - b. Supporting victims through matching victims with trained volunteers (peer supporters). This support is to take a variety of forms including encouraging them to express their grief or distress, supporting them as they deal with police.
  - c. Offering group meetings to assist individuals to deal with their trauma and through these groups to help families who are victims of related road fatalities and also groups to support victims through sharing their problems with others whom they believe will understand.
8. To liaise with other organisations for the purpose of obtaining referrals for procuring benefits/entitlements for those in our identified group who are suffering.
9. To provide education services which are consistent with the organisation's primary purpose of alleviating suffering caused by road trauma. Such services may also support community endeavours to enhance road safety.

## **DEFINITIONS**

2. (1) In these Rules, unless the contrary intention appears -
- "**Board**" means the Board of the Association;
  - "**Financial Year**" means the year ending on 30 June;
  - "**General Meeting**" means a general meeting of members convened in accordance with rule 11;
  - "**Member**" means a member of the Association;
  - "**Ordinary Member of the Board**" means a member of the Board who is not an officer of the Association under Rule 21;
  - "**The Act**" means the *Associations Reform Act 2012*;
  - "**The Regulations**" means Regulations under the Act;
- (2) In these Rules, a reference to the Secretary of an Association is a reference --
- (a) if a person holds office under these Rules as Secretary of the Association - to that person; and
  - (b) in any other case, to the Secretary of the Association.
- (3) Words or expressions contained in these Rules shall be interpreted in accordance with the *Interpretation of Legislation Act 1984* and the Act as in force from time to time.

## **APPLICATION FOR MEMBERSHIP**

3. (1) A person, family or corporation who applies for and is approved for membership as provided in these Rules is eligible to be a member of the Association on payment of the annual subscription payable under these Rules.
- (2) A person, family or corporation who was not a member of the Association at the time of the incorporation of the Association (or who was a member at that time but has ceased to be a member) shall not be admitted to membership -
  - (a) unless the application is made as provided in sub-clause (3); and
  - (b) the admission as a member is approved by the Board.
- (3) An application of a person, family or corporation for membership of the Association -
  - (a) shall be made in writing in the form provided by the Board of Directors; and
  - (b) shall be lodged with the Secretary of the Association.
- (4) As soon as practicable after the receipt of an Application for membership, the Secretary must refer the Application to the Board for approval.
- (5) Upon an Application being referred to the Board, the Board shall determine whether to approve or reject the application.
- (6) Upon the Application being approved by the Board, the Secretary shall, with as little delay as possible, notify the Applicant in writing of the approval for membership of the Association and request payment within 28 days after receipt of the notification of the sum payable under these Rules as the annual subscription unless it has previously been paid with the application.
- (7) The Secretary shall, upon payment of the amounts referred to in sub-clause (6) within the period referred to in that sub-clause, enter the Applicant's name in the Register of Members and, upon the name being so entered, the Applicant becomes a member of the Association entitling the applicant whether a person, family or incorporated body to one vote at any general meeting.
- (8) A right, privilege, or obligation of a person, family or incorporated body by reason of membership of the Association -
  - (a) is not capable of being transferred or transmitted to another person, family or incorporated body; and
  - (b) terminates upon the cessation of membership whether by death or resignation or liquidation or non-payment of annual subscription or otherwise.

## **ADMISSION OF HONORARY, STAFF AND LIFE MEMBERS**

- 3A. (1) The Board may confer at any time 'Honorary' or 'Life' membership status of the Association on any individual and in line with the provisions in this Rule.
  - (a) Nominations for Staff and/or Life Membership can be made to the Board by any financial member of the Association, outlining the merits of the nominee. Appointment can be made by the Board without a formal application. Nominations will be considered by the Board as soon as is reasonably practicable. The Board is not required to give any reason for why a nomination is approved or rejected. The decision of the Board is final.

- (b) Honorary Membership will be initiated by the Board therefore there is no application process
- (2)
    - (a) In conferring life membership the Board shall in its absolute discretion, take into account the contribution by the candidate to the Association over a period of not less than 10 years by way of sustained contributions of time, expertise, leadership and/or benefaction to the demonstrable benefit of the Association and those it seeks to serve.
    - (b) In conferring life membership the Board shall in its absolute discretion, take into account the contribution by the candidate to the Association over a period of not less than 1 year by way of sustained contributions of time, expertise, leadership and/or benefaction to the demonstrable benefit of the Association and those it seeks to serve.
  - (3) In conferring staff and honorary membership the Board -
    - (a) shall in its absolute discretion, take into account the contribution by the candidate to the Association by way of public representation and example, active support and patronage to the demonstrable benefit of the Association and those it seeks to serve; and
    - (b) may prescribe that the Appointment as an honorary member is for the term of an external position held by the individual or for a term which coincides with their continued representation, active support and patronage which benefits the Association. In such circumstances, honorary membership ceases upon the term expiring or coming to an end, without the need for the Board to issue an additional notice (although the Board may elect to do so).
  - (4) No more than two new honorary members and two new life members may be appointed per financial year. Subject to the limit on annual appointments, there is no limit on the total number of staff, honorary and life members at any one time.
  - (5) Staff and Honorary and life members –
    - (a) do not have any voting rights;
    - (b) are not required to pay an entrance fee or annual subscription; and
    - (c) will at the discretion of the Board, be entitled to receive notice of and attend general meetings of the Association, as an observer, unless also a financial member permitted under sub-Rule (6) below, in which case, usual rights and obligations of full financial membership apply, including voting rights.
  - (6) Only Honorary and life members may elect to become members of the Association upon payment of annual subscription and in line with the membership process outlined in Rule 3. Concurrent membership of this kind will attract voting rights.
  - (7) The resignation and expulsion provisions under Rules 6 and 7 apply to honorary and life members. The Board may take action in respect of a member's status as an honorary or life member without impacting on that member's status as an ordinary financial member.

## **ENTRANCE FEE**

- 4. (1) The annual subscription for an individual per year from 1 July to 30 June in the following year is that which is set from time to time by the Board.
- (2) The annual subscription for a family which wishes to have all its members as fully paid members of the incorporated Association but only with one vote at any General Meetings 1 July to 30 June in the following year is that which is set from time to time by the Board.

- (3) The annual subscription for an incorporated body from 1 July to 30 June in the following year is that which is set from time to time by the Board.

## **REGISTER OF MEMBERS**

5. The Secretary must cause to be kept and maintained a register of members in which shall be entered the full name, address of each member; and date of entry of the name of each member and the register shall be available for inspection and copying by members upon request.

## **RESIGNATION AND EXPULSION OF MEMBER**

6. (1) A member of the Association who has paid all moneys due and payable by a member to the Association may resign from the Association by first giving one month's notice to the Secretary of his or her intention to resign and upon the expiration of that period of notice, the member ceases to be a member.
- (2) Upon the expiration of a notice given under sub-clause (1), the Secretary shall cause to be made in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.
7. (1) Subject to these Rules, the Board may by resolutions –
- (a) expel a member from the Association;
  - (b) suspend a member from membership of the Association for a specified period; or
- if the Board is of the opinion that the member –
- (c) has refused or neglected to comply with these rules; or
  - (d) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.
- (2) A resolution of the Board under sub-rule (1)
- (a) does not take effect unless the Board, at a meeting held not earlier than 14 days and not later than 28 days after the service on the member of a notice under sub-clause (3) confirms the resolution in accordance with this clause; and
  - (b) where the member exercises a right of appeal to the Association under this clause, does not take effect unless the Association confirms the resolution in accordance with this clause.
- (3) If the Board passes a resolution passed under sub-rule (1), the Secretary shall, as soon as practicable, cause to be served on the member a notice in writing –
- (a) setting out the resolution of the Board and the grounds on which it is based; and
  - (b) stating that the member, or his or her representative, may address the Board at a meeting to be held not earlier than 14 days and not less than 28 days after the service of the notice;
  - (c) stating the date, place and time of that meeting,
  - (d) informing the member that he or she may do one or all of the following -
    - (i) attend that meeting;
    - (ii) give to the Board before the date of that meeting a written statement seeking the revocation of the resolution; and
    - (iii) not later than 24 hours before the date of the meeting lodge with the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the Resolution.

- (4) At a meeting of the Board held in accordance with sub-rule (2), the Board -
  - (a) shall give the member an opportunity to be heard;
  - (b) shall give due consideration to any written statement submitted by the member; and
  - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- (5) If the Secretary receives a notice under sub-rule (3), he or she shall notify the Board and the Board must convene a general meeting of the Association to be held within twenty one days after the date on which the Secretary received the notice.
- (6) At a general meeting of the Association convened under sub-rule (5) -
  - (a) no business other than the question of the appeal be transacted;
  - (b) the Board may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
  - (c) the member shall be given an opportunity to be heard; and
  - (d) the members present must vote by secret ballot on the question whether the Resolution should be confirmed or revoked.
- (7) If at the General Meeting –
  - (a) two-thirds of the members vote in person, or by proxy, in favour of the resolution, it is confirmed; and
  - (b) in any other case, the resolution is revoked.

#### **ANNUAL GENERAL MEETINGS**

- 8 (1) The Association shall in each calendar year convene an annual general meeting of its members.
- (2) The annual general meeting shall be held on such day as the Board determines.
- (3) The annual general meeting shall be specified as such in the notice convening it.
- (4) The ordinary business of the annual general meeting shall be -
  - (a) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting.
  - (b) to receive from the Board reports upon the transactions of the Association during the last preceding financial year.
  - (c) to elect officers of the Association and the ordinary members of the Board; and
  - (d) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.
- (5) The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.
- (6) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

#### **SPECIAL GENERAL MEETINGS**

- 9. All general meetings other than the annual general meeting are special general meetings.
- 10 (1) The Board may, whenever it thinks fit, convene a special general meeting of the Association and, where, but for this sub-rule, more than 15 months would elapse between annual general meetings, here the Board must convene a special general meeting before the expiration of that period.

- (2) The Board shall, on the request in writing of members representing not less than 5 per cent of the total number of members, convene a special general meeting of the Association.
- (3) The request for a special general meeting shall state the objects of the meeting and shall be signed by the members requesting the meeting and be sent to the address of the Secretary.
- (4) If the Board does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than three months after that date.
- (5) A special general meeting convened by members 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 Board and all reasonable expenses in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

## **NOTICE OF MEETINGS**

- 11 (1) The Secretary of the Association shall, at least 14 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at the address appearing in the register of members, a notice by pre-paid post or electronically stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- (3) A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

## **PROCEEDINGS AT MEETINGS**

- 12 (1) All business that is conducted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these Rules as being ordinary business of the annual general meeting shall be deemed to be special business.
  - (2) No item of business may be transacted at a special 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.
  - (3) Five members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.
  - (4) If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting convened upon the request of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 3) shall be a quorum.
- 13 (1) The Chairperson, or in the Chairperson's absence, the Deputy Chairperson, shall preside as Chairperson at each general meeting of the Association.
  - (2) If the Chairperson and the Deputy Chairperson are absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson of the meeting.

- 14 (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time and place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a meeting is adjourned for fourteen days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
- (3) Except as provided in sub-rule (1) and (2), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.
- 15 A question arising at a general meeting of the Association shall be determined on a show of hands and unless, before or on the declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and 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.
- 16 (1) Upon any question arising at an annual general meeting of the Association, a member has one vote only.
- (2) All votes must be given personally or by proxy.
- (3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 17 (1) If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at the meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any question shall be taken at such time before the close of the meeting as the Chairperson may direct.
- 18 A member is not entitled to vote at any general meeting unless all moneys due and payable by the member to the Association have been paid at least 14 days before the date of the meeting.
- 19 (1) Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than 24 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.

## **BOARD**

- 20 (1) The affairs of the Association shall be managed by the Board constituted as provided in Rule 22.
- (2) The Board -
- (a) shall control and manage the business and affairs of the Association; and
- (b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association; and
- (c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the Board to be essential for the proper management of the business and affairs of the Association.
- 21 (1) The officers of the Association shall be –
- (a) a Chairperson;
- (b) a Deputy Chairperson;



- (c) a Treasurer; and
  - (d) a Secretary.
- (2) The provisions of rule 23, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices referred to in sub-rule (1).
  - (3) Each officer of the Association shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.
  - (4) In the event of a casual vacancy in any office referred to in sub-rule (1), the Board may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.
  - (5) Only members of the Association entitled to vote are eligible to be elected as board members,
- 22 (1) Subject to Section 23 of the Act, the Board shall consist of between seven (7) and eleven (11) members, elected for a 3 year term of office (but may be re-elected). These seven (7) to eleven (11) members comprise:
- (a) The officers of the Association; and
  - (b) three to seven ordinary Members
- each of whom shall be elected at the Annual General Meeting of the Association
- (2) Each member of the Board shall, subject to these rules, hold office for three years until the annual general meeting next after the date of election but is eligible for re-election.
  - (3) In the event of a casual vacancy occurring in the office of an ordinary member of the Board, the Board may appoint a member of the Association to fill the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.
  - (4) In addition, if:
    - (a) there has been a vacancy in Board member positions since the last election (“casual vacancy”); and
    - (b) the remainder of the term of office of that position is for 1 or 2 years after the next annual general meeting;
 an election must be held at the next Annual General Meeting to fill that position for the remainder of the term.
  - (5) The maximum term served by any director of the association shall not exceed nine consecutive years (3 consecutive terms)”.

## SUB COMMITTEES

- 22A (1) The Board may by resolution delegate to one or more sub-committees the exercise of such of their functions as specified in the resolution, other than;
- (a) this power of delegation; and
  - (b) a function which is a duty imposed on the Board by law.
- (2) The Board may, by resolution, revoke wholly or in part any delegation under this rule.
  - (3) Each sub-committee shall have one representative of the Board as a member
  - (4) A sub-committee may meet and adjourn as it thinks fit and proper.

- (5) Questions arising at a sub-committee meeting shall be determined by a majority of the votes of members of the sub-committee present at the meeting and in the event of an equality of votes, the person presiding may exercise a second casting vote.

## **ELECTION OF OFFICERS AND VACANCY**

- 23 (1) Nominations of candidates for election as officers of the Association or as ordinary members of the Board -
- (a) shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - (b) shall be delivered to the Secretary of the Association at least 14 days before the date fixed for the holding of the annual general meeting.
  - (c) shall be a registered member of the Association.
- (2) If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting. The elected Board has the right to co-opt members to casual vacancies according to 21 (4) and (5) above.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (4) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (5) The ballot for the election of officers and ordinary members of the Board must be conducted at the annual general meeting in such manner as the Board may direct.
- (6) A nomination of a candidate for election under this Clause is not valid if the candidate has been nominated and elected to another office for election at the same election.
- 24 For the purpose of these Rules, the office of an officer of the Association or of an ordinary member of the Board becomes vacant if the officer or member –
- (a) ceases to be a member of the Association
  - (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
  - (c) resigns from office by notice in writing given to the Secretary.

## **PROCEEDINGS OF THE BOARD**

- 25 (1) The Board shall meet at least **six (6)** times in each year at such place and such times as the Board may determine.
- (2) Special meetings of the Board may be convened by the Chairperson or by any four of the members of the Board.
- (3) Notice shall be given to members of the Board 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) A quorum consists of 50% of directors plus one for the transaction of the business of a meeting of the Board.
- (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 stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- (6) At meetings of the Board -

- (a) the Chairperson or, in the Chairperson's absence, the Deputy Chairperson presides;  
or
  - (b) if the Chairperson and the Deputy Chairperson are absent, or are unable to preside, the members present must choose one of their number to preside.
- (7) Questions arising at a meeting of the Board, or at a meeting of any sub-Board appointed by the Board, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- (8) Each member present at a meeting of the Board, or at a meeting of any sub-Board appointed by the Board (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (9) Written notice of each Board meeting shall be served on each member of the Board by delivering it to the member at a reasonable time before the meeting or by sending it electronically or by pre-paid post addressed to him or her at his or her usual or last known place at least four business days before the date of the meeting.
- (10) Subject to sub-clause (4) the Board may act notwithstanding any vacancy on the Board.
- (11) Each member shall attend at least two thirds of all Board meetings, and if more than two consecutive Board meetings are missed without notice the member may be asked to show cause as to why their Board membership should continue.

## **SECRETARY**

26 The Secretary of the Association shall cause to be kept minutes of the resolutions and proceedings of each general meeting and each Board meeting in books provided for that purpose together with a record of the names of persons present at Board meetings.

## **TREASURER**

27 The Treasurer of the Association –

- (a) shall cause to be collected and received all moneys due to the Association and cause to be made all payments authorised by the Association; and
- (b) shall cause to be kept 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.

## **REMOVAL OF MEMBER OF BOARD**

- 28 (1) The Association in a general meeting may, by resolution, remove any member of the Board before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.
- (2) Where the member to whom a proposed resolution referred to in sub-rule (1) makes representations in writing to the Secretary or Chairperson of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association, the Secretary or the Chairperson may send a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

## **CHEQUES**

29 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Board or one member of the Board and the Chief Executive Officer of the Association.

## **SEAL**

- 30 (1) The Common Seal of the Association must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the Board and the affixing of the common seal must be attested by the signatures either of two members of the Board or, of one member of the Board and of the Secretary of the Association.

### **ALTERATION OF RULES AND STATEMENT OF PURPOSES**

31. These Rules and the statement of purposes of the Association must not be altered except in accordance with the Act.

### **NOTICES**

- 32 (1) A notice may be served by or on behalf of the Association upon any member either personally or by sending it electronically or by post to the member at that address shown in the Register of Members; or
- (2) Where a document is properly addressed prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in ordinary course of post.

### **WINDING UP OR CANCELLATION**

33 In the event of the Organisation being dissolved, the amount which remains after such a dissolution and the satisfaction of all debts and liabilities shall be transferred to any Organisation which has similar objects and which is approved by the Commission of Taxation as a Public Benevolent Institution for the purposes of any Commonwealth Taxation Act.

### **CUSTODY OF RECORDS**

- 34 (1) Except as otherwise provided in these Rules, the Secretary must cause to be kept in his or her custody or under his or her control all books, documents and securities of the Association.
- (2) All members must have access at all times to, and must be able to make a copy of, the accounts, books, securities and any other relevant documents of the Association free of charge upon request. This does not apply to the minutes of the Board meetings.

### **FUNDS**

35 The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Board determines.

### **ASSETS AND INCOME**

36 The assets and income of the Association shall be plied solely in furtherance of its non-profit objective, and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

### **DISPUTES AND MEDIATION**

- 37 (1) The grievance procedure set out in this rule applies to disputes under these Rules between
- (a) a member and another member; or
  - (b) a member and the Association
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be –
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement –
    - (i) in the case of a dispute between a member and another member, a person appointed by the Board of the Association; or
    - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must –
  - (a) give the parties to the mediation process every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## Form of Appointment of Proxy for Meeting of Association Convened Under Rule 7(7)

I, \_\_\_\_\_  
(name)

of \_\_\_\_\_  
(address)

being a member of Road Trauma Support Services Vic Inc.

appoint \_\_\_\_\_  
(name of proxy holder)

of \_\_\_\_\_  
(address of proxy holder)

being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the General Meeting of the Association convened under rule 7(7), to be held on -

\_\_\_\_\_ and at any adjournment of that meeting.  
(date of meeting)

I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution (insert details of resolution passed under rule 7(1)).

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

