

INTERNATIONAL COMMISSION OF JURISTS
AUSTRALIAN SECTION IN VICTORIA
CONSTITUTION AS ADOPTED AT A BIENNIAL GENERAL MEETING OF
THE SECTION HELD IN MELBOURNE ON 19 FEBRUARY 1997

PREAMBLE

It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the Rule of Law.

- United Nations Universal Declaration
of Human Rights, 1948

PREFACE

The International Commission of Jurists was founded in 1952 to promote respect for the Rule of Law. It is a non-governmental organisation with consultative status with the United Nations, UNESCO and the Council of Europe. Its headquarters are in Geneva.

In 1958 an Australian Section ("the Australian Section") was formed by the Right Honourable Sir Owen Dixon, the Honourable Mr Justice R Else-Mitchell, His Honour Judge A T Conybeare, Mr R C Teece QC, Mr Eugene Gorman QC, Mr M J Ashkanasy QC, Mr R M Eggleston QC, Mr J R Kerr QC, Mr Edward St John QC, Mr K A Aickin QC, Mr P B Toose, Mr D L Mahoney, Mr J McC Hambleton, Mr David Allen, Mr D T Simpson and Mr L F E Goldie.

Article 12 of the International Commission of Jurists provides for the encouragement of national sections which are independent from it. A branch of the Australian Section was formed in Victoria and its activities have increased and are undertaken independently from those of the Australian Section.

This is the Constitution of the Australian Section in Victoria as at 19 February 1997. It may be amended from time to time in accordance with Clause 26.

1. NAME

Under the designation "International Commission of Jurists (Australian Section in Victoria)" ("the Section") there is established a section of the "International Commission of Jurists" ("the Commission") in Australia independent from the Australian Section.

2. OBJECTIVES

The objectives of the Section shall be:

- (a) to continue recognition by and affiliation with the Commission;

- (b) to co-operate with the Commission on the basis of mutuality of purpose and interests;
- (c) to provide an organisation through which the Australian legal profession can protect and sustain the Rule of Law and promote the observance of human rights and fundamental freedoms;
- (d) to co-operate with similar organisations in other countries through the channels provided by the Commission;
- (e) to help, advise and encourage all who seek to achieve, by means of the Rule of Law, universal respect for and promote the observance of human rights and fundamental freedoms;
- (f) to promote the conclusion, ratification and implementation of human rights conventions, covenants and protocol, especially by Australia and the nations of South-East Asia and the Pacific;
- (g) to promote adherence to and observance of the United Nations Declaration on Human Rights;
- (h) to sponsor lectures, seminars, books and pamphlets related to these objectives; and
- (i) to do all such things necessary to promote the above objectives.

3. MEMBERS

The following may be admitted as members:

- (a) any person who is or has been a barrister, a solicitor, a teacher of law or who is a graduate in law or a law student or who holds or has held any judicial office as an individual member;
- (b) any firm, partnership or other association which may apply to be admitted;
- (c) any other person who subscribes to the objectives as an Associate member;
- (d) any body corporate, partnership or other association, which shall in accordance with its articles or constitution have passed a resolution subscribing or shall have agreed to subscribe to the objectives, as a Corporate Associate Member.

4. ADMISSION OF MEMBERS

The Council, as constituted in accordance with clause 8 hereof, shall have absolute discretion to admit or refuse to admit any person or body to any category of membership and shall have the sole jurisdiction to decide the eligibility of any person or body for any particular category and shall have power to expel any member or alter the category of membership of any member.

5. EXPULSION OF MEMBERS

Any appeal against a decision by the Council to reject or defer admission to membership or to expel a member shall be dealt with and decided by a simple majority at the next

Biennial General Meeting thereafter and the applicant or the member concerned shall have the right to address the Biennial General Meeting.

6. SUBSCRIPTIONS

Every member shall pay an annual subscription according to the scale which shall from time to time be laid down by the Council and if any member shall fail to pay the appropriate subscription for twelve months after it has fallen due the Council shall have the right to cancel the membership without prejudice to the member's right to apply for readmission.

7. RESIGNATIONS

Any member may resign upon the expiration of one month's notice in writing to the Secretary-General but any subscription or charge which shall have fallen due before such time shall remain due and owing.

8. THE COUNCIL AND THE EXECUTIVE COMMITTEE

(a) There shall be an Executive Committee of the Section which will comprise the President, up to four Vice Presidents, Secretary-General, Assistant Secretary-General, Honorary Treasurer and each Subcommittee Chairman appointed by the Council. The Executive Committee shall meet at least six times a year and shall have all the powers of the Board of Directors of a limited liability company incorporated in Victoria, except in so far as such powers are inconsistent with any clauses of this Constitution.

(b) The Council of the Section shall comprise the Executive Committee together with not fewer than ten and not more than forty individual or associate members elected by the members or nominated by the Executive Committee. The Council shall meet at least eight times in each year.

(c) The Executive Committee shall elect a Chairman of the Section and, if they deem fit, a Vice-Chairman. The Chairman shall chair the meetings of the Executive Committee and of the Council. In the absence of the Chairman the meetings will be chaired by the Vice-Chairman or by a person elected by the meeting to chair that meeting.

(d) The meetings of the Executive Committee and the Council shall be held contemporaneously as if they were one body.

9. ELECTION OF EXECUTIVE OFFICERS

(a) At each Biennial General Meeting of the Section, the members shall elect the Executive Officers, namely the President, Vice Presidents, Secretary-General, Assistant Secretary-General and Honorary Treasurer.

(b) Any individual member shall be eligible for election as an Officer.

(c) Any retiring Officer shall be eligible for re-election.

(d) In the event of there being more nominations than vacancies the Biennial General Meeting shall elect a Returning Officer who shall conduct a poll by secret preferential ballot.

10. MEETINGS OF EXECUTIVE COMMITTEE

(a) A quorum for a meeting of the Executive Committee shall be two of the Executive Officers plus any two other members.

(b) Any resolution notified to all members and assented to in writing or by telegram by not less than two-thirds of the members of the Executive Committee shall have the effect of a resolution passed by the Executive Committee.

11. STANDING ORDERS

The Executive Committee shall have the power to make, amend and repeal rules, by-laws and standing orders for the management of business and the conduct of meetings of the Executive Committee and Council and such rules, by-laws and standing orders shall apply to meetings of the Executive Committee and Council and the Biennial General Meeting.

12. OFFICERS

(a) The Executive Officers elected at the Biennial General Meeting shall hold office for a period of two years provided that any casual vacancy arising amongst such officers may be filled as a casual vacancy by the Executive Committee. In the event of more than one nomination being received for such casual vacancy, the Executive Committee shall elect such replacement officer by secret preferential ballot.

(b) The President (and in his absence one of the other officers) shall take the chair at the Biennial General Meeting and at any Special General Meeting.

13. COUNCIL

(a) A quorum for a meeting of the Council shall be five members.

(b) The Council may appoint such subcommittees from time to time, as it sees fit and the President and Secretary-General shall be ex-officio members of all such subcommittees.

(c) Subject to confirmation by the Executive Committee the Council may appoint Assistant Secretaries-General and such other secretarial staff as may from time to time be

determined upon such terms and conditions and at such remuneration (if any) as the Executive Committee or the Council shall deem fit.

(d) The Council may appoint to honorary life membership such members of the Section as it thinks fit in recognition of their service to the Section.

14. BIENNIAL GENERAL MEETING

(a) The Secretary-General, upon the instructions of the Council, shall convene a Biennial General Meeting by giving to each member at least six weeks' notice in writing.

(b) Biennial General Meetings shall be held at such times and places as the Council may determine.

(c) All members may attend, speak and vote at the Biennial General Meeting.

(d) Any Biennial General Meeting may elect a Patron.

(e) Reports by the President on behalf of the Council and the Honorary Treasurer, respectively, shall be presented to each Biennial General Meeting.

15. SPECIAL GENERAL MEETING

The Council shall have the power to convene a Special General Meeting at any time by giving to each member six weeks' notice in writing.

16. QUORUM

(a) At any Biennial General Meeting or Special General Meeting the quorum shall be ten members.

(b) If no quorum is available at any Biennial or Special General Meeting the Chairman shall reconvene the meeting upon another date and the reconvened meeting may, if it so decides, proceed to transact business even if the requisite quorum is not present.

17. VOTING

(a) At any Biennial or Special General Meeting each Member present in person or by proxy shall have one vote.

(b) If any Member shall so request, except on a motion for adjournment of the meeting, the Chairman shall conduct a poll by secret ballot but, except as otherwise provided by the rules, votes shall be by a show of hands.

18. POWERS OF REPRESENTATIVES

Any powers conferred by these rules on Corporate Members shall be exercised by their representatives after due notice in writing of their appointment being given to the Council.

19. RESOLUTIONS

(a) Any members desirous of submitting a resolution may do so by submitting the terms of the proposed resolution in writing to the Secretary-General at least two weeks before the date of any Biennial or Special General Meeting.

(b) The Secretary-General shall on the direction of the Executive Committee circulate an agenda including any resolutions duly submitted by members together with any resolutions submitted by the Council at least two weeks before the date of the meeting.

(c) The agenda so constituted shall contain all the items of business to be transacted at the meeting.

(d) The Council shall present to the Biennial General Meeting for approval a report and the accounts for the preceding year.

20. ACCOUNTS

(a) The dates of commencement and the termination of the Section's financial year shall be determined from time to time by the Council.

(b) The Honorary Treasurer shall present to the Council at its next meeting after the end of the financial year duly audited accounts.

(c) Auditors shall be appointed at each Biennial General Meeting and shall be eligible for reappointment.

21. FINANCES AND SUBSCRIPTIONS

(a) All subscriptions, donations and other payments to the Section shall be paid to the Honorary Treasurer who shall, subject to the direction of the Executive Committee, have the care and management of the finances of the Section.

(b) The Honorary Treasurer shall remit to the branches such portion of the membership fee for each member of the Section resident in the area of the branch as may be determined by the Council from time to time.

22. INCORPORATION

(a) The Council may procure the incorporation of the Section according to the laws of the State of Victoria as a company limited by guarantee or in such other manner as it may determine and on such incorporation the name of the Section may be changed by the addition of the word "Limited" or other appropriate words to its name.

(b) Prior to such incorporation being effected the Memorandum and Articles of Association or other Charter shall be drafted by the Council and be submitted to a Special General Meeting of members of the Section for its approval.

23. DISSOLUTION

(a) At any Biennial General Meeting a majority of three-quarters present and voting may decide to dissolve the Section provided notice of such resolution is clearly set out in the Agenda.

(b) In the event of a Biennial General Meeting so deciding, the Honorary Treasurer shall stand possessed of the property in trust for the Commission.

24. AFFILIATION

The Section shall be affiliated to the International Commission of Jurists and to the Australian Section and shall remain so affiliated unless it shall be otherwise decided at a Biennial or Special General Meeting by a majority of not less than three-quarters of those present and entitled to vote. For so long as the Section remains affiliated to the Commission and the Australian Section it shall regard itself and act as the Australian Section in Victoria of the Commission and all writing papers, circulars and other printed matter issued by the Section shall set out the heading "International Commission of Jurists (Australian Section in Victoria)" or such other heading as the Council may determine.

25. ALTERATION TO CONSTITUTION

(a) Any clause of the Constitution or any part thereof except Clause 25 may be varied or repealed and any new clause may be added provided that a Special General Meeting be called for the purpose and the terms of the proposed amendment, repeal or addition are circulated to members together with the notice convening the meeting and provided two-thirds of those present and entitled to vote accept the amendment, repeal or addition.

(b) A Special General Meeting for this purpose may be held upon the same day and at the same place as a Biennial General Meeting.