



LIV Young Lawyers

By-Laws 2014

(incorporating amendments as at 19 November 2015)

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These by-laws govern the practice and procedure of the LIV Young Lawyers of the Law Institute of Victoria.

1. Name

The full name of the Section is "Law Institute of Victoria (LIV) Young Lawyers".

2. Limitations

The by-laws are adopted subject to the Constitution of the Law Institute of Victoria ("LIV") as amended from time to time.

3. Definitions

The following words in the by-laws have these meanings, unless the contrary intention appears:

"The Act" means the Legal Profession Uniform Law (Vic) 2015;

"By-Laws" means the by-laws of the Section, including all further amendments;

"Casual Vacancy" is created if a member of the Executive Committee is unable to complete their duties for period of time during their term.

"Chair" means the person/s for the time being holding the appropriate office in accordance with the by-laws and includes co-chairs;

"Committee" means a committee established by the Executive Committee pursuant to by-law 10.1 (b). to carry out specific work of the Section;

"LIV Council" means the Law Institute of Victoria's Council;

"Executive Committee" means the Executive Committee of the Section;

"Majority vote" means half plus one, of the number of present members or votes by proxy (as specified);

"Member" and **"Member of the Section"** means a person whose name has been entered upon the Register of Members and whose name has not been deleted therefrom;

"Notice" is calculated excluding the day the notice is issued; is calculated including weekends and public holidays; and is considered to be issued upon dispatch;

"Officer" means those Members of the Executive Committee who hold the position of President, Vice-President, Immediate Past President and Secretary;

"Present" means personally present or present by telephone/video link;

"President", **"Vice-President"**, **"Immediate Past President"**, and **"Secretary"** severally mean the respective people for the time being holding the designated offices in accordance with these By-Laws;

"Register" means the Register of Members of the Section maintained under these By- Laws;

"Secretary" means the LIV Section lawyer/adviser employee holding this position;

“**Section**” means the Law Institute of Victoria (LIV) Young Lawyers;

“**Vacancy**” means occurs on the Executive Committee if a nomination is not received for an vacant position by the time stipulated on the nomination form;

“**Written notice**” means written communication by email, or if not available by facsimile or postal mail;

“**Young Lawyer**” means a person who is a member under clause 6.

4. Amendment

- (a) The by-laws may only be amended by a majority vote of members present at an annual general meeting or a general meeting of the Section, subject to the approval of the LIV Council.
- (b) Any proposed amendment to the by-laws must be listed as business on the notice of an annual general meeting or a general meeting.
- (c) Any amendment made to the by-laws must be communicated to all Section members by publication of the minutes of an annual general meeting or a general meeting on the Section’s webpage.
- (d) These by-laws repeal and override any previous By-Laws or constitution document applicable to the Section.

5. Objectives

The objectives of the Section are to:

- (a) Keep members informed of changes to Section policy and legislation relevant to all practitioners working in this area;
- (b) further the objectives of lawyers generally, and in particular, young lawyers in Victoria, and the LIV;
- (c) stimulate the interests and participation of young lawyers in the activities of the Section and the LIV;
- (d) develop and conduct programmes of interest and value to young lawyers and the community;
- (e) produce newsletters for Members of the Section;
- (f) develop and extend areas of mutual interest between the Section and the junior Bar;
- (g) conduct research programmes and prepare reports for the Council as requested from time to time;
- (h) assist the LIV and its other sections; and
- (i) conduct such programmes or engage in such activities as may be incidental or conducive to any or all of the aforesaid objects.

6. Membership of the Section

- (a) A person is eligible to become a Section member if he or she is:
 - (i). a member of the LIV
- (b) Membership of the Section shall also be open to:
 - (i). members of the Victorian Bar;
 - (ii). any person serving supervised legal training (SLT) (formerly supervised workplace training) or practical legal training in accordance with the Uniform Admission Rules, or its predecessor, made pursuant to the Act;
 - (iii). graduates of and student bodies representing under-graduates of any Victorian university which offers a Bachelors of Laws or Juris Doctor degree which has been approved by the Victorian Legal Admissions Board (VLAB) as satisfying the formal degree component of the requirements for admission to practice; and
 - (iv). law graduates of any institution offering or having offered courses in training at law

- who are qualified for admission to practise as a barrister and solicitor in Victoria;
- (v). associate members of the LIV.
- (c) To become a Section member, a person must apply in the manner prescribed by the LIV.
 - (d) Membership of the Section shall terminate automatically at the end of the calendar year upon a Member attaining thirty-six years of age or the expiration of the fifth calendar year in which a Member has been admitted to practise, whichever occurs later.
 - (e) A Section member ceases to be a member if he or she:
 - (i). ceases to be a LIV member;
 - (ii). resigns from the Section by giving written notice to the Secretary;
 - (iii). otherwise no longer fulfils the eligibility criteria for membership as detailed in By-Law 6(a) and 6 (b); or
 - (iv). is removed from the Section by the Executive Committee who may at any time terminate the membership of a Member if the Executive Committee is of the opinion that is in the interests of the Section the membership should be cancelled.
 - (f) No member of the Section, including office holders, will have the authority to incur any liability in the name of the Section, the Executive Committee, any Committee, or any working groups.

7. Register of Members

- (a) The LIV must maintain a register of Section members containing the full name and contact details of each member, the date of his/her admission to membership, his/her qualifications for membership and the date of the cessation of his/her membership. In any dispute or proceeding involving the Section and any of its Members, the Register shall be prima face evidence of the matters contained therein.
- (b) Each member is responsible for ensuring that his or her details in the register are correct by informing the Secretary of any changes. For this purpose members are able to enquire as to their listed details by request to the Secretary.
- (c) Contact details within the register will be used as a means to notify members of annual general meetings and any general meetings. The minutes of annual general meetings and any general meetings, and nomination forms for the Executive Committee and any Committees will also be sent via these contact details. In the event that a member does not receive notice or correspondence due to failure to provide correct contact details, notice will be deemed to have been effectively served.
- (d) The register is subject to privacy legislation requirements and must not be distributed, including to Section members.

8. Annual General Meeting

- (a) The Section must convene an annual general meeting of its members once in each calendar year.
- (b) The annual general meeting is to be held during the last three months of the calendar year.

8.1. Notice

- (a) The Secretary must give members a minimum of six weeks written notice of an annual general meeting.
- (b) The notice convening the annual general meeting must specify:
 - (i). that the meeting is an annual general meeting;
 - (ii). the location of the annual general meeting;
 - (iii). the date and time of the annual general meeting;
 - (iv). the business to be conducted at the annual general meeting (including ordinary business and any special business); and
 - (v). attach nomination forms for election to the Executive Committee.

8.2. Business

- (a) The ordinary business of an annual general meeting is:
 - (i). to receive the Section annual report; and
 - (ii). to declare the members of the Executive Committee.
- (b) A member, with the support of at least ten (10) other members, may raise any special (non-ordinary) business at an annual general meeting by giving written notice of such to the Secretary within seven days of the notice of the annual general meeting being issued.
- (c) Written notice of any special business not contained in the initial notice of an annual general meeting must be given to members by the Secretary no later than seven days before the annual general meeting.
- (d) The Secretary must keep minutes of the business of an annual general meeting and any resolutions made. A report of the proceedings of the annual general meeting is to be published on the Section's webpage where it will be accessible to all Section members.

8.3. Chair

The President or in his or her absence, the Vice President, or in his or her absence, a present member as elected by the attending members of the meeting, will preside as chair of an annual general meeting.

8.4. Quorum

- (a) Twenty (20) members, either present or by proxy, will constitute a quorum for the conduct of business at an annual general meeting.
- (b) If no quorum is reached, any and all resolutions made at a meeting will be of an interim nature until confirmed by circulation of the minutes of the meeting to all Executive Committee members.

8.5. Proxy

- (a) Each member is entitled to appoint another member as a proxy by submitting written notice in the prescribed form to the Secretary or the President no later than twenty-four (24) hours before the annual general meeting.
- (b) The notice appointing the proxy must be signed by the Member and specify how the proxy is to vote on each resolution.
- (c) The Section may provide a standard proxy form with a notice of meeting to each Member.

8.6. Voting and Resolutions

- (a) Questions arising at an annual general meeting will be determined by majority vote on a show of hands of present members and votes by proxy.
- (b) Each member present, including by proxy, is entitled to one vote, except in the event of a tied vote in which the Chair is entitled to cast an additional vote.
- (c) All resolutions made, and acts done at an annual general meeting will remain valid notwithstanding subsequent discovery of any defect in membership of a Section member.

9. General Meetings

- (a) In addition to the annual general meeting, any number of general meetings of Section members may be held in the same year.
- (b) A general meeting will be convened upon:
 - (i). the resolution of the Executive Committee; or
 - (ii). the written request to the Secretary of at least twenty five (25) Section members.

9.1 Notice

- (a) The Secretary must give members a minimum of two (2) weeks written notice of any general meeting.
- (b) The notice convening any general meeting must specify:
 - (i). the location of the general meeting;
 - (ii). the date and time of the general meeting; and
 - (iii). the business to be conducted at the general meeting.

9.2 Business

- (a) No business other than that set out in the notice of a general meeting may be conducted at the meeting.
- (b) The Secretary must keep minutes of the business of any general meeting and any resolutions made. A report of the proceedings of the general meeting is to be provided to all Section Members.

9.3 Chair

The President, or in his or her absence, the Vice President or in his or her absence, a present member as elected by the attending members of the meeting, will preside as chair of a general meeting.

9.4 Quorum

- (a) Twenty (20) members either present or by proxy, will constitute a quorum for the conduct of business at a general meeting.
- (b) If no quorum is reached, any and all resolutions made at a meeting will be of an interim nature until confirmed by circulation of the minutes of the meeting to all Executive Committee members

9.5 Proxy

- (a) Each member is entitled to appoint another member as a proxy by submitting written notice in the prescribed form to the Secretary or the President no later than twenty four (24) hours before the annual general meeting.
- (b) The notice appointing the proxy must be signed by the Member and specify how the proxy is to vote on each resolution.
- (c) The Section may provide a standard proxy form with a notice of meeting to each Member.

9.6 Voting and Resolutions

- (a) Questions arising at a general meeting will be determined by majority vote on a show of hands of present members and votes by proxy.
- (b) Each member present, either personally or by proxy, is entitled to one vote, except in the event of a tied vote in which the Chair is entitled to cast an additional vote.
- (c) All resolutions made, and acts done at a general meeting will remain valid notwithstanding subsequent discovery of any defect in membership of a Section member.

10. Executive Committee

10.1 Functions

- (a) The Executive Committee of the Section, subject to the by-laws:
 - (i). will control and manage the business and affairs of the Section; and
 - (ii). may exercise all such powers and functions as may be exercised by the Section other than those powers and functions that are required by the by-laws to be

- exercised at an annual general meeting of the members.
- (b) The Executive Committee must have approval of the Secretary should it wish to establish, merge or disband Committees. The Executive Committee and committees may establish working groups.

10.2 Membership of the Executive Committee

- (a) A member of the Executive Committee will actively participate and contribute to achieving the objectives of the Section (see by-law 5), including by attending Executive Committee meetings.
- (b) A person is eligible to become a member of the Executive Committee if he or she is a Section member.
- (c) Voting members of the Executive Committee shall consist of:
 - (i). the Officers of the Section; and
 - (ii). the Chair of any Committee created by the Executive Committee pursuant to By-Law 11.
- (d) The Executive Committee will have no more than twenty (20) members, and not less than six (6) members.
- (e) The members of the Executive Committee will be declared at the annual general meeting.
- (f) A member of the Executive Committee will cease to be a member of the Executive Committee if he or she:
 - (i). ceases to be a Section member as detailed in by-law 6(d) and/or 6(e);
 - (ii). resigns from the Executive Committee by giving written notice to the Secretary;
 - (iii). is removed from the Executive Committee by majority vote because of nonattendance of meetings (see by-law 10.7(a)), misconduct or where it is in the interest of the Executive Committee to remove that member; or
 - (iv). ceases to be principally practising and residing in Victoria.
- (g) The term of office of each member of the Executive Committee shall be one (1) year and shall be deemed to commence on the first day of January in the year immediately following that Member's election.
- (h) In the event of a vacancy on the Executive Committee, the Executive Committee by majority vote may appoint a Section member to fill the vacancy. The appointed member may then sit on the Executive Committee until the next annual general meeting. The Executive Committee may choose to maintain a wait list of previously unsuccessful nominees for this purpose.
- (i) In the event of a casual vacancy on the Executive Committee (for example a member may take a leave of absence for parental leave), the Executive Committee by majority vote may appoint a Section member to fill the vacancy. The appointed member may then sit on the Executive Committee until the regular member returns. The Executive Committee may choose to maintain a wait list of previously unsuccessful nominees for this purpose.
- (j) No member of the Executive Committee, including office holders, will have the authority to incur any liability in the name of the Section, the Executive Committee, any Committee, or any working group.
- (k) No member of the Executive Committee shall publish or communicate any draft submission, confidential submission, resolution, or minutes of any Executive Committee, Committee, or working group meeting to any person or body including to government bodies, without the prior written consent of the Secretary.
- (l) The Executive Committee may appoint from its own number or the membership of the Section a representative to be a member of the Executive of the Australian Young Lawyers.
- (m) The Section may by a majority vote remove any member of the Executive Committee from office before the expiration of his/her term of office and may by a majority vote elect another in his/her stead. The term of office of a person so elected shall be for the unexpired portion of the term of office of the member of the Executive Committee in whose stead he/she was elected.

10.3 Office Holders

- (a) The officer holders of the Executive Committee are the:
 - (i). President;

- (ii). Vice President;
 - (iii). Secretary; and
 - (iv). Immediate past president
- (b) The President will:
- (i). preside as chair at meetings of the Executive Committee, General Meetings and Special Meetings;
 - (ii). prepare a report on the activities of the Executive Committee for each annual general meeting (to be published in the Section annual report);
 - (iii). keep the LIV Council fully informed of the activities of the Section, Executive Committee and any Committees;
 - (iv). be responsible for making public statements on behalf of the Section in consultation with the Executive Committee, subject to approval by the LIV's Media Advisor; and
 - (v). perform all other tasks as assigned by the Section or LIV Council.
- (c) The Vice President will:
- (i). perform the duties of the President during any period in which the President is unable to act; and
 - (ii). perform any other tasks as assigned by the President, Section or LIV Council.
- (d) The Secretary will:
- (i). in conjunction with the President and as authorised by the Executive Committee attend generally to the business of the Section;
 - (ii). consult with and assist all Officers of the Section as to the work of the Section;
 - (iii). be the custodian of all books, papers, documents and other property of the Section except money;
 - (iv). keep a true record of the proceedings of all meetings of the Section
- (e) An officer holder of the Executive Committee is able to delegate his or her duties as appropriate and required.
- (f) The office holders of the Executive Committee must be members of the Executive Committee, and where they cease to be members (see by-law 10.2(g)), can no longer hold office.
- (g) Each office holder, excluding the Secretary, shall be elected by a majority vote of the Section at the Annual General Meeting.
- (h) The office holders of the Executive Committee shall serve for a term of one (1) year (until the next election), at which time the position of office holders will become vacant and new elections will be held.

10.4. Elections of Officers and Committee chairs

- (a) Elections of the Executive Committee shall be held annually in the final three months of the calendar year.
- (b) The results of elections shall be determined by a simple majority of votes.
- (c) Any Member of the Section who principally practises and resides in Victoria may nominate for election to the Executive Committee by delivering to the Secretary by the date prescribed on the election form a notice of intention to stand for election (signed by a Member and accompanied by the written consent of the candidate) together with a summary of qualifications and the Member's statement of position.
- (d) If, at the end of the nomination period referred to in By-Law 8.1, the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected. If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (e) The Secretary of the Executive Committee is to be considered a member of the Committee.

10.5 Register of Executive Committee Members

- (a) The Secretary must maintain a register of Executive Committee members containing the full name and contact details of each member.
- (b) Each member is responsible for ensuring that his or her details in the Executive Committee register are correct by informing the Secretary of any changes. For this purpose members are

- able to enquire as to their listed details by request to the Secretary.
- (c) Contact details within the Executive Committee register will be used as a means to notify members of Executive Committee meetings and to circulate minutes and other correspondence. In the event that a member does not receive notice or correspondence due to failure to provide correct contact details, notice will be deemed to have been effectively served.
 - (d) The Executive Committee register is subject to privacy legislation requirements and members' details can only be distributed to other Executive Committee members where members have provided written consent to distribution.

10.6 Meetings of the Executive Committee

- (a) The Executive Committee must meet at least once per month. Meeting dates and times will be determined by the Secretary in consultation with the Executive Committee members.
- (b) The President may at any time and the Secretary shall on the requisition of the President summon a meeting of the Executive Committee.
- (c) The Secretary should give written notice of each Executive Committee meeting to each member of the Executive Committee no later than seven days before each meeting.
- (d) The Secretary must keep and circulate minutes of the business of each Executive Committee meeting and any resolutions made.
- (e) The Executive Committee may choose to invite regular and non-regular guests, who may or may not be LIV members, to attend meetings (for example representatives from Universities, VicBar, various courts or LIV staff members).

10.7 Attendance at the Executive Committee Meetings

- (a) In the event that an Executive Committee member is not present at three meetings without apology (which may be given retrospectively within forty-eight (48) hours of the Committee meeting), the Executive Committee may vote to remove that members
- (b) The Secretary must keep a record of attendance of all Executive Committee meetings however, it remains each member's own responsibility to ensure that his or her attendance or apology is recorded.

10.8 Quorum

- (a) Any five (5) present members of the Executive Committee will constitute a quorum for the conduct of business at a meeting of the Executive Committee.
- (b) If no quorum is reached, any and all resolutions made at a meeting will be of an interim nature until confirmed by circulation of the minutes of the meeting to all Executive Committee members.

10.9 Voting and Resolutions

- (a) Questions arising at a meeting of the Executive Committee will be determined by majority vote on a show of hands of present members, or a circulating resolution.
- (b) A circulating resolution is a resolution passed by circulating a document containing a statement of the question to all members.
A circulating resolution:
 - (i). must specify a closing date and time for the receipt of votes;
 - (ii). will only be deemed to have passed if a majority of the Executive Committee votes in its favour (each Executive Committee member being entitled to one vote except in the event of a tied vote in which the Chair is entitled to cast an additional vote); and
 - (iii). where passed, must be entered into the minutes of the next meeting.
- (c) Each present member is entitled to one vote, except in the event of a tied vote in which the Chair is entitled to cast an additional vote.
- (d) All resolutions made, and acts done by the Executive Committee will remain valid

notwithstanding subsequent discovery of any defect in membership of an Executive Committee member.

11. Section Committees

The Executive Committee may appoint Committees of the Section subject to By-Law 10.1(b).

11.1 Membership

- (a) A member of a Committee will actively participate and contribute to achieving the objectives of the Section (see by-law 5), including by attending Committee meetings and assisting with the activities of the Section.
- (b) A person is eligible to become a member of a Committee if he or she is a Section member. The President and Vice- President will be ex officio members of all Committees.
- (c) To become a member of a Committee, a Section member must apply in a manner prescribed by the LIV.
- (d) A member of a Committee will cease to be a member of a Committee if he or she:
 - (i). ceases to be a Section member as detailed in by-law 6(d) and/or 6(e);
 - (ii). resigns from the Committee by giving written notice to the Secretary; or
 - (iii). is removed from the Committee by majority vote because of nonattendance of meetings, misconduct or where it is in the interest of the Committee to remove that member.
- (e) No member of a Committee, including office holders, will have the authority to incur any liability in the name of the Section, the Executive Committee, any Committee, or any working group.
- (f) No member of a Committee shall publish or communicate any draft submission, confidential submission, resolution, or minutes of any Executive Committee, Committee, or working group meeting to any person or body including to government bodies, without the prior written consent of the Executive Committee.

11.2 Chair

- (a) The Chair will:
 - (i). preside as chair at meetings;
 - (ii). prepare a report on the activities of the Committee for each annual general meeting (to be published in the Section annual report);
 - (iii). keep the Executive Committee fully informed of the activities of the Committee by sitting as a member of the Executive Committee
 - (iv). approve the minutes of meetings held by the Committee, and Agendas for upcoming meetings of the Committee; and
 - (v). perform all other tasks as assigned by the Executive Committee.
- (b) Where the Chair of a Committee does not communicate their approval for minutes of a previous meeting of the Committee within seventy-two (72) hours of their receipt, minutes will be circulated to Committee members in draft form to be confirmed at the next meeting of the Committee.
- (c) The Chair of a Committee is able to delegate his or her duties as appropriate and required.
- (d) The Chair of a Committee must be a member of the Committee, and where they cease to be a member (see by-law 6(d) and/or 6(e) can no longer hold office;
- (e) The Chair of a Committee shall serve for a term of one (1) year (until the next election), after which time positions will become vacant and open for re-election.
- (f) The Secretary of the Executive Committee is to be considered a member of the Section Committees.

11.3 Register of Committee Members

- (a) The Secretary must maintain a register of Committee members containing the full name and contact details of each member.

- (b) Each member is responsible for ensuring that his or her details in a Committee register are correct by informing the Secretary of any changes. For this purpose members are able to enquire as to their listed details by request to the Secretary.
- (c) Contact details within a Committee register will be used as a means to notify members of Committee meetings and to circulate minutes and other correspondence. In the event that a member does not receive notice or correspondence due to failure to provide correct contact details, notice will be deemed to have been effectively served.
- (d) A Committee register is subject to privacy legislation requirements and members' details can only be distributed to other Committee members where members have provided written consent to distribution.

11.4 Meetings of a Committee

- (a) A Committee must meet at least five (5) times each calendar year. Meeting dates and times will be determined by the Secretary in consultation with the Committee members.
- (b) The Secretary should give written notice of each Committee meeting to each member of the Committee no later than three days before the date of each meeting.
- (c) The Secretary must keep and circulate minutes of the business of each Committee meeting and any resolutions made.
- (d) A Chair may choose to invite regular and non-regular guests, who may or may not be LIV members, to attend meetings (for example representatives from Universities, VicBar, various courts or LIV staff members).

11.5 Attendance

- (a) In the event that a Committee member is not present at three (3) meetings without apology (which may be given retrospectively within forty-eight (48) hours of the Committee meeting), the Secretary may remove that member.
- (b) The Secretary must keep a record of attendance of all Committee meetings, however it remains each member's own responsibility to ensure that his or her attendance or apology is recorded.

11.6 Quorum

- (a) Any five (5) present members of a Committee will constitute a quorum for the conduct of business at a meeting of the Committee.
- (b) If no quorum is reached, any and all resolutions made at a meeting will be of an interim nature until confirmed by circulation of the minutes of the meeting to all Committee members.

11.7 Voting and Resolutions

- (a) Questions arising at a meeting of a Committee will be determined by majority vote on a show of hands of present members, or a circulating resolution.
- (b) A circulating resolution is a resolution passed by circulating a document containing a statement of the question to all members.
A circulating resolution:
 - (i). must specify a closing date and time for the receipt of votes;
 - (ii). will only be deemed to have passed if a majority of the Committee votes in its favour (each Committee member being entitled to one vote except in the event of a tied vote in which the Chair is entitled to cast an additional vote); and
 - (iii). where passed, must be entered into the minutes of the next meeting.
- (c) Each present member is entitled to one (1) vote, except in the event of a tied vote in which the Chair is entitled to cast an additional vote.
- (d) All resolutions made, and acts done by a Committee will remain valid notwithstanding subsequent discovery of any defect in membership of a Committee member.

12. Notices

- (a) A notice may be given by the Section to any Member either personally, by sending it by post to him/her to his/her Registered Address or to an email address supplied by the Member to the Secretary.
- (b) The Section shall not be required to send a notice to any address outside Australia.
- (c) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing prepaying and posting a letter or wrapper containing the notice and shall be deemed to have been effected on the day following the date on which the notice is posted. A certificate in writing signed by an Executive Committee member that the letter or wrapper containing the notice was so addressed prepaid and posted shall be conclusive evidence thereof.

13. Conflict of Interest

All members of the Executive Committee and Committees must comply with the LIV Conflict of Interest Policy for Section Executive and Committee Members.