



## Record of Determinations

Rule 5 of the Rules of the Fitzroy Legal Service Incorporated provides:

Where these Rules empower or require the Board or a General Meeting to determine a matter, elect or appoint a person to an office or committee, or convene a committee or meeting, it must do so by resolution.

This document records all such resolutions, as well as other important information. It is maintained by the Secretary of the Association.

This document was created on 8 February 2019 and last updated 29 August 2020.

Dates in square brackets are the dates that the associated resolution was made.

## Subscriptions

[7 February 2019] Pursuant to rule 14, the following system of pro rata membership subscriptions is set: A subscription paid between 1 July and 31 March lasts until 30 June. A subscription paid between 1 April and 30 June lasts until 30 June of the following year.

[7 February 2019] Pursuant to rule 14, the subscriptions for 2018/2019 are:

Non-volunteer, annual gross income \$50,000 or more	\$74.00
Non-volunteer, annual gross income less than \$50,000	\$37.00
Volunteer, annual gross income \$50,000 or more	\$50.00
Volunteer, annual gross income less than \$50,000	\$25.00
Volunteer, student	\$13.00
Unemployed, pensioner	\$8.00

[11 July 2019] Pursuant to rule 14, the subscriptions for 2019/2020 are:

Non-volunteer, annual gross income \$50,000 or more	\$80.00
Non-volunteer, annual gross income less than \$50,000	\$40.00
Volunteer, annual gross income \$50,000 or more	\$55.00
Volunteer, annual gross income less than \$50,000	\$30.00
Volunteer, student	\$16.00
Unemployed, pensioner	\$10.00

[18 June 2020] Pursuant to rule 14, the subscriptions for 2020/2021 are:

Non-volunteer, annual gross income \$50,000 or more	\$80.00
Non-volunteer, annual gross income less than \$50,000	\$40.00
Volunteer, annual gross income \$50,000 or more	\$55.00

Volunteer, annual gross income less than \$50,000	\$30.00
Volunteer, student	\$16.00
Unemployed, pensioner	\$10.00
Covid-19 waiver	\$0.00

## Offices

[7 February 2019] Pursuant to rule 39, Dylan Goldsworthy be elected to the office of Chair of the Board and Vera Boston be elected to the office of Deputy Chair of the Board.

[3 October 2019] Pursuant to rule 39, Claire Febey be elected to the office of Chair of the Board

[28 March 2019] Pursuant to rule 32.2 the following classes of Board members were determined:

### Member elected positions:

- Vera Boston - 3 year term, due to expire 2021 Annual General Meeting
- Dylan Goldsworthy – 3 year term, due to expire 2021 Annual General Meeting (*resigned 31 July 2019*)
- Bonnie Renou – 2 year term, due to expire 2020 Annual General Meeting
- Catherine Charleson – 2 year term, due to expire 2020 Annual General Meeting (*resigned 30 May 2019*)
- Fiona Delahunt – 1 year term, due to expire 2019 Annual General Meeting
- Reeanna Maloney – 1 year term, due to expire 2019 Annual General Meeting (*resigned 2 May 2019*)

### Board appointed positions:

- Claire Febey – appointed for a 3 year term, 28 March 2019 to 28 March 2022
- Tim Christensen – appointed for a 2 year term, 28 March 2019 to 28 March 2021

[2 May 2019] That Jeremy Levine be appointed to the Board for a 1 year term, 30 May 2019 to 30 May 2020.

[1 October 2019] That Jennifer Tucker be appointed to the Board to fill a casual vacancy until the 2019 AGM.

[28 November 2019]

Fiona Delahunt and Jennifer Tucker elected to the vacant CLASS A positions (3 year term, due to expire 2022 Annual General Meeting).

[30 April 2020]

That Jeremy Levine be appointed to the Board for a 3 year term, 30 May 2019 to 30 May 2022.

[18 June 2020]

That Mick Sheehy and Karri Walker be appointed to the Board to fill a casual vacancy until the 2020 AGM.

## Honorary Minute Secretary

[7 February 2019] The position of Honorary Minute Secretary, reporting to the Secretary, be created. The Board appoints Melanie Albarella to that position.

## **Life members**

[1 February 2019] Pursuant to rule 9.2.1, the following persons be made a member and life member of the Association: Sue Bothmann, Brian Collingburn, John Finlayson, Julian Gardner, Tessa Hay, Robin Inglis, Michael Kingston, Henrik Lassen, Trevor Williamson and Brian Wright.

[26 August 2019] Pursuant to rule 13(1), the criteria for life membership of the Association is an extraordinary contribution to the Association with generally a maximum of one person to be made a life member in any calendar year.

[30 April 2020] Pursuant to rule 13(1), the criteria for life membership of the Association is an extraordinary contribution to the Fitzroy Legal Service (FLS). Life Member nominations should be submitted to the FLS Board in written form, outlining the person's contribution to FLS and including a resume and names of two referees. Following receipt of the nomination, the Secretary shall acknowledge receipt and conduct an internet search on the nominee to ascertain any possible reputational risks for FLS in approving the Life Membership nomination.

## **Delegation of the Board's power**

[28 March 2019] Pursuant to rules 29 and 41, a Board Charter to guide board members, members of the Association and staff as to the role of the board and the conduct of its members, as proposed, is adopted.

[28 March 2019] Pursuant to rules 29, 30 and 47, the following policies are adopted:

- Delegation Policy and Manual,
- Conflict of Interest Policy,
- Risk Management Policy,

[8 March 2019] Pursuant to rule 30, the Finance and Audit Committee Charter is adopted.

[28 March 2019] Pursuant to rule 30, the People Committee Charter is adopted.

[2 October 2019] Pursuant to rules 29, 30 and 47, the following policies are adopted

- Delegation Policy
- Grievance Management Policy
- Sexual Harassment Policy
- No Bullying Policy
- Employee Wellbeing & Vicarious Trauma Policy
- Workplace Health & Safety Policy
- Performance Appraisal Policy

[31 October 2019] Pursuant to rules 29 and 30, a Communications and Social Media Policy is adopted.

[12 December 2019] [31 October 2019] Pursuant to rules 29 and 30, the following policies are adopted

- Flexible and Supportive Work Practices Policy
- Managing Unsatisfactory Performance, Misconduct and Serious Misconduct Policy

[30 April 2020] Pursuant to rules 29, 30 and 47, the following policies are adopted:

- Volunteer Policy

- Recruitment and Selection Policy
- Managing Difficult Behaviour Policy
- Learning and Development Policy
- Staff Remuneration Review Policy

[30 April 2020] Pursuant to rule 30, the Programs and Services Committee Charter is adopted.

[30 April 2020] Pursuant to rule 30, the 50<sup>th</sup> Anniversary Committee Charter is adopted.

[18 June 2020] Pursuant to rules 29, 30 and 47, an Equal Opportunity Employment Policy is adopted.

### **Board committee membership**

- Finance and Audit Committee

Vera Boston [appointed 28 March 2019]

Gerry Schembri [appointed 28 March 2019]

Roslyn Aikman [appointed 28 March 2019]

Naomi Munga [appointed 28 March 2019]

Peter Loukas [appointed 28 March 2019]

Rebecca Middleton [appointed 29 April 2019]

Tim Christensen [appointed 28 March 2019] – [resigned 28 October 2019]

- People Committee

Fiona Delahunt [28 March 2019]

Bonnie Renou [28 March 2019]

Donna Ross [28 March 2019]

Glenn Caterer [28 March 2019]

Chanphyna Bou [1 October 2019]

Tim Goodier [27 August 2020]

**Regarding election procedure  
Made pursuant to rule 40 [31 October 2019]**

1. In this resolution, the term ‘chair’ means ‘chair of the meeting’.

**Nominations**

2. An eligible member<sup>1</sup> may nominate for election to one or more classes of elected board membership by giving notice to the Board.<sup>2</sup>

3. To be a valid notice, such notice must:

- (a) state that the member nominates for election at the general meeting,
- (b) state the class or classes of elected board member that they wish to be elected to,
- (c) be signed and dated by the member,
- (d) be given:
  - (i) after notice is given of the meeting, and
  - (ii) before 5:00 p.m. on the day that is 10 days before the meeting date, and
- (e) state whether or not the member is:
  - (i) a current employee of the Association,<sup>3</sup> and
  - (ii) a current or former board member of the Association (howsoever described) and, if so, the period of such membership.<sup>4</sup>

4. The notice may also contain, in relation to the member:

- (a) other experience/history with the Association (e.g., volunteer, staff),
- (b) relevant tertiary and other qualifications,
- (c) relevant board, management and other experience/expertise, and
- (d) a statement (of up to 200 words) setting out why the member wishes to become a board member, their vision for the Association and what skills and/or perspective they hope to bring to the board.

5. The Secretary must decide whether the notice is valid; if he or she decides that it is:

- (a) valid—that decision is final and the Secretary must advise the member that they are a candidate for election;
- (b) invalid—the Board (including the Secretary, if they are a board member) must determine by resolution, as a matter of urgency, whether the notice is valid or invalid, and the Secretary must advise the member that they are a candidate, or that their notice is invalid and so they are not a candidate, accordingly.

6. For clarity, it is noted that:

- (a) a notice determined to be invalid does not result in candidacy,
- (b) a member that gives invalid notice may give notice again,
- (c) a member is not required to be nominated or seconded by another member, and
- (d) there is no particular form or form of words required for the notice.

**Dissemination of candidate information**

7. 7 days before the meeting, the Secretary must send to each member an appropriately formatted document that contains the information provided by the candidates.

8. The Secretary shall be careful to ensure that the document is fair to all candidates.

**Election by confirmation**

9. Only candidates are eligible to be elected. Nomination from the floor is not allowed.

10. Where, in relation to a vacancy or vacancies in a class of elected board membership, there:

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<sup>1</sup> See rule 15 regarding eligibility; also see footnotes 3 and 4 below.

<sup>2</sup> See rule 6 regarding how notice may be provided.

<sup>3</sup> Current employees of the Association are ineligible to be board members (rule 31).

<sup>4</sup> A person who has already served as a board member of the Association for more than 7 years (whether or not consecutive) is ineligible to be a board member (rule 36).

- (a) are no candidates—there is no election and the offices remain vacant;<sup>5</sup>
- (b) is one candidate—that candidate is deemed elected and the remaining office remains vacant;<sup>6</sup>
- (c) are two candidates—those candidates are deemed elected;
- (d) are more than two candidates—there shall be an election by ballot.

### **Election by ballot**

11. Where elections are being held for more than one class of elected board member, the election for each class must be held separately. The chair shall decide which election to hold first.

12. An election by ballot shall be held by secret ballot with each member selecting the candidate (where there is one vacancy) or the two candidates (where there are two vacancies) that they wish to have elected; the candidate or candidates (as the case may be) with the most votes is or are elected.

13. Where an election for one vacancy involves a tie, the chair shall announce the names of the candidates that tied and determine which of them is elected on a show of hands.

14. Where an election for two vacancies involves a tie, if:

- (a) there is a two-way tie for first—both candidates are elected;
- (b) more than two candidates tie for first—the chair shall announce the names of the candidates that tied and determine which of them are elected (to both vacancies) on a show of hands;
- (c) there is a tie for second—the candidate with the most votes is elected, and the chair shall announce the names of the candidates that tied and determine which of them is elected (to the second vacancy) on a show of hands.

### **Speeches**

15. The chair must give each candidate the opportunity to make a brief speech in support of their candidacy and each member the opportunity to make a brief speech regarding the election.<sup>7</sup>

### **Further**

16. Where the above procedure, having been followed and exhausted, does not lead to the proper election of candidates to the vacant office or offices, the chair shall be at liberty to employ any appropriate method to bring about such proper election; he or she may seek the meeting's view as to the appropriate method but shall not be bound by it, and his or her decision as to the appropriate method and outcome is final.<sup>8</sup>

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<sup>5</sup> Where an office of elected board member remains vacant, the Board may appoint an eligible member to hold that office until the next annual general meeting (rule 38).

<sup>6</sup> See footnote 5.

<sup>7</sup> See rule 15 regarding the right of members to be heard at general meetings.

<sup>8</sup> See rule 27 regarding Voting procedure