



Department of Justice

Consumer Affairs Victoria
Registration Branch

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DX210220

Our Ref: 8397272

30 April 2013

AUSTRALASIAN ASSOCIATION FOR INSTITUTIONAL RESEARCH INC.
49 OCEANIC DRIVE
FLOREAT WA 6014

Dear Sir/Madam,

AUSTRALASIAN ASSOCIATION FOR INSTITUTIONAL RESEARCH INC. – A0034643U

Rules of an Incorporated Association

I refer to the recent documentation lodged with Consumer Affairs Victoria (CAV) in respect of the own rules adopted by the above association which is incorporated under the *Associations Incorporation Reform Act 2012* (the Act).

Consumer Affairs Victoria has accepted the lodgement of the documentation but notes that the following rule(s) has/have not been included in the rules of your association as required under the Act.

Schedule 1 of the Act requires that 23 matters must be provided for in the rules of an incorporated association. Schedule 4 of the *Associations Incorporation Reform Regulations 2012* provides the Model Rules that include the 23 matters.

If an association has adopted its own rules and does not include one or more of the 23 matters in their own rules, section 48 (3) of the Act deems that the Model Rules are taken to be included in the own rules of the association.

CAV notes that the following matters are missing from your association's own rules and therefore the Model Rules are deemed to be included in your association's rules. This letter provides the missing matter(s) and the Model Rule(s) and will form part of your association's own rules. Please advise your members that your association's rules must be read in conjunction with this letter and the following Model Rule(s).

▪ Schedule 1 - Matter 8

The grievance procedures for settling disputes under the rules between the incorporated association and any members or between a member and other member

Model Rule 25 - Grievance Procedure – Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
(a) a member and another member;

- (b) a member and the Committee;
 - (c) a member and the Association.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

Model Rule 26 - Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

Model Rule 27 - Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—
- (a) notify the Committee of the dispute; and
 - (b) agree to or request the appointment of a mediator; and
 - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—
- (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

Model Rule 28 - Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
- (a) give each party 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 throughout the mediation process.
- (2) The mediator must not determine the dispute.

Model Rule 29 - Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

Model Rule 66 – Minutes of meeting

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
- (a) the names of the members in attendance at the meeting;
 - (b) the business considered at the meeting;
 - (c) any resolution on which a vote is taken and the result of the vote;
 - (d) any material personal interest disclosed under rule 65.

Rule 2.1 “Act” remove Associations Incorporation Act 1981 and substitute with Associations Incorporation Reform Act 2012.

Rule 2.2 (b) remove Public Officer

Rule 25.13 remove reference to Public Officer



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For further information, please visit the rules guidance on our website at
www.consumer.vic.gov.au/iarules

Yours sincerely

General Manager

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