

Constitution

1. TITLE

The name of the Incorporated Association is Disability Advocacy Victoria Inc.

2. DEFINITIONS

2.1 In these rules, unless a different meaning is stated;

"Advocacy" means active promotion, support and defence of the rights, needs, interests, status and representation of people with disabilities. Advocacy work is intended to support people in asserting their rights and interests, or asserting their rights and interests with them. Advocacy work also supports people with disabilities to develop their capacity to self advocate.

"Associate Member" means any member who is not entitled to vote and has been accepted as a Member pursuant to rule 3.2

"Board" means the Board of Management of Disability Advocacy Victoria "Disability" means disability as defined by the Disability Discrimination Act (Cwlth) "Financial Year" means the year ending 30 June each year.

"Full Member" means a Member who is entitled to vote pursuant to rule 3.1

"General Meeting" means a meeting of member delegates convened in accordance with Rule 12

"Group" includes a body corporate, incorporated association and unincorporated association.

"Individual advocacy" is advocacy with an individual with a disability, or with a group of individuals with a disability.

"Service" includes a program within a larger organisation.

"Systemic advocacy" is advocacy oriented towards changing entire systems beyond an identifiable single client or single client group. 1

"Member" means a member of Disability Advocacy Victoria.

"Delegate" means an authorised representative of the member organisation

"Ordinary Member of the Board" means a member of the Board who is not an officer of Disability Advocacy Victoria under Rule 17

"The Act" means the Associations Incorporation Act 1981. "The Regulations" means regulations under the Act.

2.2 Words or expressions contained in these Rules shall be understood according to the guidelines of the Associations Incorporation Reform Act 2012, as in force and amended from time to time.

3. ALTERATIONS OF RULES AND STATEMENT OF PURPOSES

These rules and the statement of purpose of Disability Advocacy Victoria shall not be altered except in accordance with the Act.

4. ABOUT DISABILITY ADVOCACY VICTORIA

Vision Statement

Disability Advocacy Victoria is an active participant in the creation of a fully inclusive society in which people who have a disability are included as equally valued and contributing citizens.

Mission Statement (Purpose)

Disability Advocacy Victoria is the peak body responsible for representing a coalition of independent, community based organisations that advocate with and for people with a disability.

Disability Advocacy Victoria will promote and defend the human rights and valued status of people with disabilities by supporting and promoting advocacy groups, actions and initiatives.

Organisational Aims

- To strengthen and promote the disability advocacy movement in Victoria
- To defend rights-based advocacy.
- To promote rights-based advocacy and the rights and needs of people with a disability.

Statement of Operational Values

Disability Advocacy Victoria is committed to operating in according with the following principles, beliefs and values, recognising that:

- control by people with disabilities is central to the success of the advocacy sector;

1 Taken & adapted from "Memorandum of the outcome of discussions of the Working Group comprising representatives from The Department of Family and Community Services, The Department of Human Services, The advocacy sector" dated 27 May 2002

- a diversity of approaches to advocacy is necessary to promote and protect the rights of people with disabilities.
- responding to the diversity of needs, interests and aspirations of people with disabilities is a fundamental component of providing effective advocacy;
- respect for the autonomy of individual member organisations is important;
- Disability Advocacy Victoria's voice is most effective when it is united;
- member organisations have valuable experience and knowledge of the needs and rights of people with disabilities;
- the role of advocacy is to promote and protect the rights and interests of people with disabilities and not those of other parties;
- identifying and minimising conflict of interest is fundamental to the successful provision of advocacy service

5. METHODS TO BE USED BY DISABILITY ADVOCACY VICTORIA TO ACHIEVE ITS AIMS

Disability Advocacy Victoria's aim is to operate as an effective peak body through:

5.1. Networking

Disability Advocacy Victoria will:

5.1.1. Act on behalf of, and in the best interests of member organisations and people with disabilities.

5.1.2. Seek direction and undertake to actively consult with the disability advocacy sector through regular meetings and forums.

5.1.3. Provide a forum to share information and debate advocacy issues.

5.1.4. Develop reliable communication channels.

- 5.1.5. Give relevant information to members and associate organisations.
- 5.1.6. Recognise and support the needs of rural and regional members.
- 5.1.7. Support national and international advocacy efforts.
- 5.1.8. Form alliances with other organisations to work on human rights and social justice issues that concern people with disabilities.

5.2. Education

Disability Advocacy Victoria will:

- 5.2.1. Undertake research and analysis as needed.
- 5.2.2. Assist member organisations to raise community awareness of disability issues including human rights and inclusive communities.
- 5.2.3. Provide information about advocacy and disability rights to people who have a disability, disability advocates and the community.

5.3. Promoting and Defending Advocacy

Disability Advocacy Victoria will:

- 5.3.1. Safeguard the independence of the advocacy sector.
- 5.3.2. Develop and promote Disability Advocacy Victoria policies in relation to advocacy, to governments and decision makers.
- 5.3.3. Lobby and advise governments and decision makers on matters affecting people with disabilities and the broader advocacy sector.
- 5.3.4. Advocate for an increase of advocacy resources within the Victorian advocacy sector.
- 5.3.5. Seek project funding for advocacy development activities including training, professional and organisational development.
- 5.3.6. Evaluate the effectiveness of advocacy.
- 5.3.7. Promote effective and "best practice" advocacy.
- 5.3.8. Encourage diversity of advocacy and advocacy responses.
- 5.3.9. Identify and respond to gaps in advocacy efforts.

DAV is committed to supporting its members/sector by providing high quality and accountable services to people with disabilities.

6. MEMBERSHIP OF VICTORIAN DISABILITY ADVOCACY NETWORK

All members are required to have a demonstrated commitment to the Vision, Mission, Aims, Values and Statement of Purpose of Disability Advocacy Victoria.

The following categories for membership shall apply:

6.1. Full Members (Voting)

6.1.1. Eligibility

To be eligible for full membership of Disability Advocacy Victoria, an organisation must be a funded or non-funded independent community based disability advocacy service or group in Victoria whose primary purpose is advocacy for people with disabilities. This includes self advocacy groups.

Disability Service Providers who also provide advocacy to people with disabilities will generally be ineligible for full membership but may be eligible for associate membership.

For the purposes of this constitution the definition of 'Disability Service Provider' is an organisation that provides services to people with a disability for a fee.

6.1.2. Nomination of group delegates.

On application for full membership the group must nominate by name their two delegates, at least one of whom should, where possible, be a person with a disability. Should the named people

change, the group must notify the Secretary as soon as possible and the register of Members will be amended accordingly.

6.2. Associate Membership (Non-voting)

6.2.1. Group

Any other funded or non-funded group with a demonstrated commitment to advocacy and the empowerment of people with disabilities.

6.2.2. Individual

Any individual with a demonstrated commitment to advocacy and the empowerment of people with disabilities.

6.3. Method of Application for Membership

6.3.1. Applications for membership shall be made to the Secretary either:

- In writing;
- By other appropriate methods (e.g. voice recording); or
- Directly to the Secretary, in front of a witness, who will record the nomination which will be seconded by a Full Member. The witness will sign to verify that the request is correctly recorded. The Secretary will then lodge the application for membership at the next General Meeting. The Board shall decide whether to approve or reject the application.

6.3.2. The Secretary shall within three weeks of the acceptance of membership advise the applicant of the outcome of application. If the applicant is approved for membership the Secretary shall request a pro rata payment within 28 days of their application being accepted, this being the first year's Annual Subscription.

6.3.3. When the subscription referred to in clause 5.3.3 is paid, the Secretary shall enter the applicant's name in the Register of Members. This will include the names of the delegates who hold the voting rights for the Member Group. The applicant is then a Member of Disability Advocacy Victoria

6.3.4. Membership renewal shall be due on 1st July each year.

6.3.5. A right, privilege or obligation of a person by reason of their membership of Disability Advocacy Victoria:

6.3.5.1. Is not able to be given or transferred to another person unless they have full membership and have given notice to the Secretary as stated in clause 6.3.1;

6.3.5.2. Stops when membership ceases either by resignation or death or otherwise;

6.3.5.3. Is suspended if the Member is not a current financial Member;

6.3.5.4. Stops three months after the due date for membership renewal if the annual subscription is not paid.

7. ANNUAL SUBSCRIPTION

7.1. The annual subscription rates for Full Members and Associate Group Members accepted under clause

5.2 shall be based on the financial situation of the group.

7.2. Subscription rates shall be set by the General Meeting.

7.3. Non-funded groups and individuals who can demonstrate an incapacity to pay an annual subscription on nomination shall be exempt from payment of that year's annual subscription.

7.4. The General Meeting shall rule on a subscription exemption request on nomination or at the time of membership renewal.

7.5. All annual subscription exemptions shall be granted for a period of one year only.

8. REGISTER OF MEMBERS

8.1. The Secretary shall keep a register of Members in which shall be entered the full name, address, date of entry and/or exit, membership category and financial status of each Member. The name of the group's delegate will also be listed.

8.2. The register shall be available for inspection and copying by the Members on request, subject to privacy considerations.

9. RESIGNATION

9.1. A Member may resign their membership either in writing or by other appropriate methods (see 5.3.1 above) to the Secretary.

9.2. Membership ceases on the day the Secretary receives the resignation. The Secretary shall record the date the membership ceased in the Members Register.

10. EXPULSION

10.1. Subject to these rules the Board may by resolution:

10.1.1. Expel a Member from Disability Advocacy Victoria; or

10.1.2. Suspend a Member from membership of Disability Advocacy Victoria for a specified period, if the Board is of the opinion that the Member:

10.1.2.1. Has refused or neglected to comply with these rules; or

10.1.2.2. Has been guilty of conduct unbecoming a member or prejudicial to the interests of Disability Advocacy Victoria;

10.1.2.3. Cease to support the Vision, Mission, Aims and Values of Disability Advocacy Victoria

10.2. A resolution of the Board under clause 10.1 does not take effect:

10.2.1. Unless the Board at a meeting held not earlier than 14 and not later than 28 days after the service on the Member of a notice under clause 10.3 confirms the resolution in accordance with this clause; and

10.2.2. Where the Member exercises a right of appeal to Disability Advocacy Victoria in accordance with this clause.

10.3. If the Board passes a resolution under clause 10.1 the Secretary shall, as soon as practicable, cause to be served on the Member a notice in writing or by an alternative accessible format:

10.3.1. Setting out the resolution of the Board and the grounds on which it is based;

10.3.2. Stating that the Member may address the Board at a meeting to be held not earlier than 14 and not less than 28 days after the service of a notice;

10.3.3. Stating the date, place and time of that meeting;

10.3.4. Informing the Member that he or she may do one or more of the following:

10.3.4.1. Attend that meeting;

10.3.4.2. Give to the Board before the date of that meeting a written or taped statement seeking the revocation of the resolution, and

10.3.4.3. 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 Disability Advocacy Victoria at a Special General Meeting against the resolution.

10.4. At a meeting of the Board held in accordance with clause 10.2 the Board;

10.4.1. Shall give the Member an opportunity to be heard;

10.4.2. Shall give due consideration to any written statement or statement by other appropriate methods (see 10.2 above) submitted by the Member; and

10.4.3. Shall by resolution determine whether to confirm or to revoke the resolution.

10.5. If the secretary receives a notice under clause 10.3 they shall notify the Board who then shall convene a Special General Meeting of Disability Advocacy Victoria to be held within 21 days after the date on which the Secretary received the notice.

10.6. At a Special General Meeting of Disability Advocacy Victoria convened under clause 10.5:

10.6.1. No business other than the question of the appeal shall be transacted;

10.6.2. The Board shall place before that meeting details of the grounds for the resolution and the reasons for the passing of the resolution;

10.6.3. the Member shall be given an opportunity to be heard; and

10.6.4. the Members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

10.7. If at the Special General Meeting:

10.7.1. A simple majority of the Members who have voted, in person or by proxy, vote in favour of the confirmation of the resolution, the resolution is confirmed; and

10.7.2. In any other case, the resolution is revoked.

11. ANNUAL GENERAL MEETING

11.1. The Board shall determine the date, time and place of the Annual General Meeting of the Association.

11.2. The Board shall hold the Annual General Meeting with 28 days notice to its Members within 14 months of the previous Annual General Meeting.

11.3. The Annual General Meeting shall be specified as such in the notice convening it.

11.4. The ordinary business of the Annual General Meeting shall be:

11.4.1. To confirm the minutes of the last preceding Annual General Meeting and where appropriate, of the most recent general meeting;

11.4.2. to receive from the Board reports upon the business of Disability Advocacy Victoria during the last financial year;

11.4.3. to elect members of the Board; and

11.4.4. to receive and consider the financial statements submitted by Disability Advocacy Victoria in accordance with section 30(3) of the Act.

11.5. The Annual General Meeting may transact special business of which notice is given in accordance with these rules.

11.6. The Annual General Meeting shall be in addition to any other General Meetings that may be held in the same year.

12. GENERAL MEETINGS

12.1. All general meetings other than the Annual General Meeting and Special General Meetings shall be called General Meetings.

12.2. The Board shall convene at least three General Meetings per year.

12.3. General Meetings can be attended by all Members and will consider any issue pertinent to Disability Advocacy Victoria. It is these meetings that will decide the overall policy directions of Disability Advocacy Victoria, which in turn will be prioritised by the Board.

13. SPECIAL GENERAL MEETINGS

13.1. Special General Meetings can only be convened to discuss the following matters:

13.1.1. To amend the constitution;

13.1.2. To hear appeals against expulsion or non-inclusion of members;

13.1.3. At the request of the members pursuant to clause 11.2.

13.2. The Board shall, on receipt in writing or by other appropriate methods (see 6.3.1 above) of a request from not less than 5% of the total of all Members, convene a Special General Meeting of Disability Advocacy Victoria

13.3. The request for a Special General Meeting shall state the objects of the meeting and shall be signed by the Members making the request and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the Members making the request.

13.4. 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 3 months after that date.

13.5. A Special General Meeting convened by Members pursuant to these Rules shall be convened in the same manner as that in which those meetings are convened by the Board and all reasonable expenses incurred in convening the meeting shall be refunded by Disability Advocacy Victoria to the persons incurring the expenses.

14. NOTICE OF SPECIAL GENERAL MEETINGS AND GENERAL MEETINGS

14.1. The Secretary of Disability Advocacy Victoria shall, at least 14 days before the date fixed for holding a Special General Meeting of Disability Advocacy Victoria or a General Meeting of Disability Advocacy Victoria, cause to be sent to each Member of Disability Advocacy Victoria at the address appearing in the Register of Members, a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

14.2. No business other than that set out in the notice convening the meeting shall be transacted at that Meeting.

14.3. 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.

15. PROCEEDINGS AT MEMBERS' GENERAL MEETINGS

15.1. Members' General Meetings may discuss any issue that the Members consider to be pertinent to Disability Advocacy Victoria

15.2. Disability Advocacy Victoria will not presume to make public policy statements on behalf of its members unless consensus has been reached by all members that it is able to do so'.

15.3. Each Full Member is entitled to one vote.

15.4. Five (5) Full Members personally present constitute a quorum for the transaction of the business of a General Meeting.

15.5. If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting shall proceed; any motions shall be circulated to the membership seeking ratification by two thirds of the voting members.

16. CHAIRPERSON

16.1. The Chairperson or in their absence, the Secretary, shall preside as Chairperson at each General Meeting of Disability Advocacy Victoria

16.2. If the Chairperson and Secretary are absent from a General Meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.

16.3. The Chairperson of a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place

16.4. Except as provided in clauses 16.1 and 16.2 it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

17. CHAIRPERSON'S CASTING VOTE

17.1. In the case of an equality of voting on a question, the Chairperson of the meeting shall be entitled to exercise a second or casting vote.

18. VOTING

18.1. Wherever possible Disability Advocacy Victoria will attempt to resolve decisions through a process of consensus.

18.2. The voting system to be used by Disability Advocacy Victoria will be that of simple majority

18.3. Members shall be entitled to vote by post or proxy where a meeting is to be held to elect members of the Board of Disability Advocacy Victoria; or to vote at General Meetings and Annual General Meetings.

18.4. The manner in which such postal voting is to be conducted shall be determined by the Board provided that all postal votes shall be required to be lodged or received at Disability Advocacy Victoria's office not less than 48 hours prior to such meetings.

18.5. For the purposes of these Rules, a postal vote cast by a Member shall be deemed to be a vote cast by such Member at the meeting at which the resolution is to be proposed. Postal voting will not be allowed for the purpose of a Special General Meeting in accordance with the Associations Incorporation Act (1981) Model Rules.

18.6. Any objection to the right of any person to vote may be made at the meeting or adjourned meeting at which the vote objected to is given or tendered, and every vote allowed at such meeting shall be valid for all purposes. Any such objection made shall be decided upon by the Chairperson.

19. THE POWERS OF THE BOARD

19.1. The affairs of Disability Advocacy Victoria shall be managed by a Board. All Board members must have the capacity to fulfil their legal obligations as Board members. Appropriate training and/or a mentoring scheme may be adopted to ensure that all Board Members are assisted in learning the proper governance requirements of Board members.

19.2. The Board shall:

19.2.1. Have responsibility for setting the strategic direction and risk management of Disability Advocacy Victoria, and the General Members Meetings shall provide the Board with advice on overall policy direction:

19.2.2. Oversee the business and affairs of Disability Advocacy Victoria on a day to day basis (In the event that an Executive Officer is appointed, that person shall have responsibility for managing the day to day business of Disability Advocacy Victoria.)

19.2.3. May, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by Disability Advocacy Victoria other than those powers and functions that are required by these rules to be exercised by general meetings of the Members of Disability Advocacy Victoria ; and

19.2.4. Subject to these Rules, the Regulations and the Act, 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 Disability Advocacy Victoria

19.3. The Board has the power to co-opt Members onto the Board when specific skills, knowledge or expertise are required.

19.3.1. Co-opted members should be drawn from the Full and Associate membership of the Association, or external to the Association if the required skills and knowledge are not available.

19.3.2. Where members are co-opted, this should be for a specified period, such as the duration of a particular project, or until the next Annual General Meeting.

19.3.3. Co-opted members have the right to vote at Board meetings

19.3.4. No more than two co-opted members may serve on the Board at any one time.

19.4. From time to time the Board may establish sub-Committees or advisory groups with specific areas of responsibility. These groups will report to the Board as requested and shall not incur expenses on behalf of Disability Advocacy Victoria without prior authorisation from the Board

20. THE BOARD

20.1. Subject to clause 20.2, the Board shall consist of eight members, the majority of whom should preferably be people with a disability.

20.2. They will be elected from the membership at the Annual General Meeting for a two year term.

20.3. One Full Member may only have one delegate on the Board at a time.

20.4. The officers of Disability Advocacy Victoria will be elected by the members of the Board at the first meeting after the Annual General Meeting, or at such times as otherwise required.

20.5. The elected Chairperson should preferably be a person with a disability.

20.6. As a general rule, four people each year will be elected onto the Board at the Annual General Meeting, leaving four people to provide for continuity. Notice of the resignations of the four people must be given in the notice advertising the Annual General Meeting.

21. OFFICERS AND VACANCIES OF THE BOARD

21.1. The officers of Disability Advocacy Victoria shall be:

21.1.1. Chairperson (see 20.5)

21.1.2. Treasurer

21.1.3. Secretary

21.2. In the event of a casual vacancy in any office referred to in clause 20.1 the Board may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the Annual General Meeting next following the date of their appointment.

21.3. Each member of the Board shall, subject to these rules, hold office for two years until the Annual General Meeting two years after the date of their election but is eligible for re-election.

21.4. In the event of a casual vacancy occurring on the Board, the Board may appoint a delegate of Disability Advocacy Victoria, with the approval of the next General Meeting, to fill the vacancy and the delegate so appointed shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of their appointment.

22. ELECTION OF BOARD

22.1. Nominations of candidates for election of the Board:

22.1.1. Shall be made in writing or other appropriate methods, endorsed by two voting Members of Disability Advocacy Victoria and accompanied by the consent of the candidate (which may be endorsed on the form of nomination); and

22.1.2. Shall be delivered to the Secretary of Disability Advocacy Victoria not less than 7 days before the date fixed for the holding of the Annual General Meeting.

22.2. If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.

22.3. 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.

22.4. If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.

22.5. The ballot for the election of the Board shall be conducted at the Annual General Meeting in such usual and proper manner as the Board may direct.

23. VACANCIES ON THE BOARD

For the purposes of these rules, a position on the Board becomes vacant if the delegate:

23.1. Ceases to be a Member of Disability Advocacy Victoria;

23.2. Becomes an insolvent under administration within the meaning of the Corporations Law;

23.3. Resigns their office by notice in writing or other appropriate methods given to the Secretary;

23.4. Is absent without apology or explanation to the satisfaction of the majority of the Board for more than two consecutive Board meetings.

24. PROCEEDINGS OF BOARD

24.1. The Board will meet at least three times a year.

24.2. The meetings will be convened and minuted by the Secretary.

24.3. All the meetings of the Board will be open to all Members unless the Board decides otherwise.

24.4. Special Meetings of the Board may be convened by the Chairperson or by any Member of the Board.

24.5. 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.

24.6. Any four members of the Board shall constitute a quorum for the transaction of the business of a meeting of the Board.

24.7. No business shall be transacted unless a quorum is present and if within a half hour of the time appointed for the Board 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 Board meeting was a Special Meeting in which case it lapses.

24.8. At meetings of the Board,

24.8.1. The Chairperson or in their absence, the Secretary shall preside;

24.8.2. If the Chairperson and the Secretary are absent, such one of the remaining members of the Board as may be chosen by the members present shall preside.

24.9. Questions arising at a meeting of the Board or of any sub Committee appointed by the Board shall be determined on a show of hands or, if demanded by a member of the Board, by a poll taken in such manner as the person presiding and the meeting may determine.

24.10. Each group present at a meeting of the Board and/or General Meeting or of any sub Committee appointed by the Board (including the person presiding at the meeting) is entitled to one vote and in the event of an equality votes on any question, the Chairperson will have a casting vote.

24.11. Written notice or notice in the appropriate accessible format of each Board meeting, shall be served on each member of the Board by delivering it to them at a reasonable time before the Board meeting or by sending it by pre-paid post, addressed to them at their usual or last known place of abode at least two business days before the date of the Board meeting.

24.12. Subject to clause 24.6 the Board may act notwithstanding any vacancy on the Board.

25. CHAIRPERSON

The Chairperson of Disability Advocacy Victoria or his/her delegate shall chair all meetings of the Board and General Meetings and other such meetings called by Disability Advocacy Victoria and:

25.1. Prepare agendas for the meetings of the Board;

25.2. Maintain regular contact with staff;

25.3. If necessary act as a public spokesperson on behalf of Disability Advocacy Victoria

26. SECRETARY

26.1. The Secretary of Disability Advocacy Victoria shall keep minutes of the resolutions, proceedings and attendees of all meetings of Disability Advocacy Victoria.

26.2. The Secretary will be responsible for the convening of all meetings of Disability Advocacy Victoria the keeping of proper records, correspondence and the Member Register.

26.3. Perform the role of Secretary as stipulated by the Act.

27. TREASURER

27.1. The Treasurer of Disability Advocacy Victoria shall:

27.1.1. Collect and receive all moneys due to Disability Advocacy Victoria;

27.1.2. Make all payments authorised by Disability Advocacy Victoria; and

27.1.3. Keep correct accounts and books showing the financial affairs of Disability Advocacy Victoria with full details of all receipts and expenditure connected with the activities of Disability Advocacy Victoria;

27.1.4. Ensure an annual audit is completed.

27.2. The accounts and books referred to in clause 24.1 shall be available for inspection by Members.

27.3. The Treasurer shall provide regular reports to the Board

28. REMOVAL OF MEMBERS FROM THE BOARD

28.1. Disability Advocacy Victoria at a General Meeting may by resolution remove any member of the Board before the expiration of their term of office and appoint another Member in their place to hold office until the expiration of the term of the first-mentioned member.

28.2. A member who is subject of a proposed resolution referred to in clause 28.1 may make representation in writing or other accessible format to the Secretary or Chairperson of Disability Advocacy Victoria (not exceeding a reasonable length) and may request that the representations be

notified to the members of Disability Advocacy Victoria. The Secretary or the Chairperson may send a copy of the representations to each Member of Disability Advocacy Victoria or, if they are not sent, the member may require that they be read out at the meeting.

29. CHEQUES

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer and one other member of the Board.

30. COMMONSEAL

30.1. The Common Seal of Disability Advocacy Victoria shall be kept in the custody of the Secretary.

30.2. The Common Seal shall not be affixed to any instrument except by the authority of the Board and the signatures of either two members of the Board or of one member of the Board and of the Secretary of Disability Advocacy Victoria

31. NOTICES

31.1. A notice may be served by or on behalf of Disability Advocacy Victoria upon any Member either personally or by sending it:

31.1.1. By post to the Member at their address shown in the Register of Members;

31.1.2. By facsimile transmission if the member has requested that the notice be given to him or her in this manner; or

31.1.3. By electronic transmission if the member has requested that the notice be given to him or her in this manner.

31.2. Where a document is properly addressed pre-paid 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 the ordinary course of post.

32. WINDING UP OR CANCELLATION

32.1. In the event of the winding up or the cancellation of the incorporation of Disability Advocacy Victoria, the assets of Disability Advocacy Victoria shall be disposed of in accordance with the provisions of the Act.

32.2. The income and property of Disability Advocacy Victoria shall be used and applied solely in promotion of its purposes and the exercise of its powers as set out herein and no proportion thereof shall be distributed paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the Members in respect of moneys advanced by them to Disability Advocacy Victoria or otherwise owing by Disability Advocacy Victoria to them or of remuneration to any officers or servants of Disability Advocacy Victoria or to any Member of Disability Advocacy Victoria or other person in return for any services actually rendered to Disability Advocacy Victoria provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any Member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by Disability Advocacy Victoria provided further that nothing herein contained shall be Disability Advocacy Victoria or reasonable and proper rent for premises demised or let to Disability Advocacy Victoria or the provision of services to a Member to which they would be entitled in accordance with the purposes if they were not a Member.

32.3. If Disability Advocacy Victoria shall be wound up in accordance with the provisions of Associations Incorporation Act 1981, and there remains, after satisfaction of all its debts and

liabilities, any property, whatsoever, the same shall be given or transferred to some other organisation or organisations having purposes similar to the purposes of Disability Advocacy Victoria, and which prohibits the distribution of its other income and property among its or their members to an extent at least as great as is imposed on Disability Advocacy Victoria under or by virtue of this rule such organisation or organisations to be determined in accordance with special resolution of the Members of Disability Advocacy Victoria or in the absence of a special resolution of the Members by the Registrar or to such organisations being an appointed body for the purposes of either sub-section (i) or (ii) or Section 78 (i) (a) of the Income Tax Assessment Act.

32.4. As per funding contracts money received via government departments will be returned in the event of winding up. If Disability Advocacy Victoria shall be wound up in accordance with the provisions of the Associations Incorporation Act 1981 and there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall be given or transferred to some other organisation having purposes similar to the purposes of Disability Advocacy Victoria, and which prohibits the distribution of its other income and property amongst its or their Members to an extent at least as great as is imposed on Disability Advocacy Victoria under or by virtue of this rule such organisation or organisations to be determined in accordance with the special resolution of the members by the Registrar or to such organisations being an appointed body for the purposes of either sub-section (i) or (ii) or Section 78 (i) (a) of the Income Tax Assessment Act.

33. CUSTODY OF RECORDS

33.1. Except as otherwise provided in these Rules, the Secretary shall keep in her or his custody or under her or his control all books, documents and securities of Disability Advocacy Victoria

33.2. All accounts, books and documents and securities of Disability Advocacy Victoria shall be available for inspection and copying by any Member of Disability Advocacy Victoria upon request.

34. FUNDS

34.1 The funds of Disability Advocacy Victoria shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Board determines.

35. GRIEVANCE PROCEDURE

35.1. The grievance procedure set out in this rule applies to disputes under these rules between

35.1.1. A member and another member; or

35.1.2. A member and the Association

35.2. 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 parties.

35.3. 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.

35.4. The mediator must be:

35.4.1. A person chosen by agreement between the parties; or

35.4.2. In the absence of agreement

35.4.2.1. In the case of a dispute between a member and another member, a person appointed by the Board of the Association; or

35.4.2.2. 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).

35.5. A member of the Association can be a mediator

35.6. The mediator cannot be a Member who is a party to the dispute

35.7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation

35.8. The mediator in conducting the mediation must:

35.8.1. Give the parties in the mediation process every opportunity to be heard; and

35.8.2. Allow due consideration by all parties of any written statement submitted by any party; and

35.8.3. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process

35.9. The mediator must not determine the dispute.

35.10. 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.