



INTERNATIONAL  
COMMISSION  
OF JURISTS

## INTERNATIONAL COMMISSION OF JURISTS AUSTRALIAN SECTION CONSTITUTION

as adopted at a Special General Meeting of the  
Section held in Sydney on 10 December 2001

### **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 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 I F E Goldie.

This is the Constitution of the Australian Section as at 10 December 2001. It may be amended from time to time in accordance with Clause 26.

### **1. NAME**

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

### **2. OBJECTIVES**

The objectives of the Section shall be:

- (a) 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.

- (b) To co-operate with similar organisations in Australia and other countries.
- (c) To help, advise and encourage people, institutions and governments who seek to achieve, by means of the Rule of Law, universal respect for and promote the observance of human rights and fundamental freedoms.
- (d) To promote the conclusion, ratification and implementation of human rights conventions, covenants, protocols and other instruments especially by Australia and the nations of South-East Asia and the Pacific.
- (e) To promote adherence to and observance of the United Nations Declaration on Human Rights and all other internationally recognised institutions promoting human rights and the Rule of Law.
- (f) To appoint observers or monitors to attend and report back to the section regarding the conduct of trials, elections, referenda and the like in Australia and throughout the world.
- (g) To arrange, organise, promote, sponsor, encourage or otherwise participate in lectures, conferences, colloquiums, seminars, education and research programs and the like, whether in Australia or elsewhere, and to publish or assist in the publication of, books, papers, proceedings and other literature in furtherance of the objectives of the Australian Section.
- (h) To continue recognition by and affiliation with the Commission.
- (i) To work in cooperation with the Commission in furtherance of common purposes and interests.
- (j) To do all such things which may be necessary or are ancillary in furtherance of the above objectives.

### **3. MEMBERS**

The following may be admitted as members:

- (a) Any person who is or has been a legal practitioner, 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 legal firm, partnership or corporation which shall include multi-disciplinary partnerships may apply to be admitted, as an associate member.
- (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 otherwise agreed to subscribe to the objectives, as a Corporate Associate Member.

#### **4. ADMISSION OF MEMBERS**

The Executive Committee, as constituted in accordance with Clause 8 hereof, shall have discretion to admit or refuse to admit any person or body to any category of membership and shall have the 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.

However, the aforesaid discretion may be delegated to a State or Territory Branch of the ICJ(AS).

#### **5. EXPULSION OF MEMBERS**

Any appeal against a decision by the Committee 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 or Special General Meeting convened for such purposes thereafter and the applicant or the member concerned shall have the right to address that Meeting.

#### **6. SUBSCRIPTIONS**

Every member shall pay an annual subscription according to the scale which from time to time shall 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 and that resignation shall take effect upon the expiration of one (1) month's notice in writing to the Secretary-General.

#### **8. THE COUNCIL AND THE EXECUTIVE COMMITTEE**

- (a) There shall be an Executive Committee of the Section which will be comprised of the President, National Vice President, Chairman, Secretary-General, Assistant Secretary-General, Honorary Treasurer, together with Vice Presidents, one to be nominated by each State or Territory Branch of the section.
- (b) The Executive Committee shall be required to meet:
  - (i) whether in person or by telephone, not less than 3 times per calendar year.
  - (ii) in such manner that not less than one (1) Executive Committee meeting per calendar year is conducted in person.
  - (iii) no sooner than 28 days after the giving of written notice of an intention to convene any meeting to be conducted by the Executive Committee meeting in person.

- (c) The Executive Committee shall have all the powers and duties of a Board of Directors of a limited liability company incorporated in New South Wales, except insofar as such powers and duties are inconsistent with any provisions of this Constitution.
- (d) The Council of the Australian Section shall comprise the Executive Committee together with not fewer than twenty and not more than forty individual or associate members nominated by the Executive Committee of which four (4) individual or associate members are nominated by each and every State or Territory Branch that is affiliated with the Australian Section, but provided not more than twenty percent of the members of the Council shall be associate members. The Council, subject to the direction and supervision of the Executive Committee shall exercise the powers of the Executive Committee between meetings of the Committee. The Council shall meet at least eight (8) times per year but shall be required to meet as the Full Congress of the Australian Section at each Biennial General Meeting.

## **9. ELECTION OF NATIONAL OFFICERS**

- (a) At each Biennial General Meeting of the Section, the members shall elect the National Officers, namely the President, National Vice President, Chairman, 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 (2) of the National Officers plus any two (2) other members.
- (b) Subject to Clause 8(b)(iii) notice of meeting of the Executive Committee shall be given at least two (2) weeks prior to that meeting.
- (c) Any resolution notified to all members and assented to in writing or by electronic transmission 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 to the Biennial General Meeting.

## **12. OFFICERS**

- (a) The National Officers elected at the Biennial General Meeting shall hold office for a period of two (2) 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 (1) 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 the Chairman or other officer) 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 ten members.
- (b) Notice of meeting of the Council shall be given at least ten (10) days prior to that meeting.
- (c) 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.
- (d) 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.
- (e) The President will chair meetings. The Council may appoint a person other than the Chairman or the President to chair meetings and functions of or organised by the Council.
- (f) 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. BRANCHES**

- (a) The Executive Committee may authorise the establishment of Branches of the Section in each State and/or Territory.
- (b) Each Branch shall conduct such business on behalf of the Section as may be requested of it by either the Council or Executive Committee and may conduct such other business consistent with the objects of the Section, subject to appropriate

consultation with the National Section and State Branches where they may be affected. Each Branch shall be administered within guidelines established by the Executive Committee.

- (c) Members of each Branch shall elect from amongst their number a Member to be President of the Branch who shall be a Vice-President of the Section.
- (d) A State or Territory Branch may only be dissolved by a two-thirds resolution of the Executive Committee, meeting in person and approved by the Council. Any assets of the Branch so dissolved shall be vested in the Section.
- (e) The Constitution and rules of the Branches shall be consistent with this Constitution and shall include the Objectives of the Section and shall be approved by the Executive Committee.

## **15. 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 (6) weeks' notice in writing.
- (b) Biennial General Meetings shall be held at such times and places as the Council may determine but so far as practicable, shall coincide with the Australian Legal Conventions.
- (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.

## **16. SPECIAL GENERAL MEETING**

The Executive Committee may have the power to convene a Special General Meeting at any time by giving to each member three (3) weeks' notice in writing.

## **17. QUORUM**

- (a) At any Biennial General Meeting or Special General Meeting the quorum shall be fifteen members.
- (b) If no quorum is available at any Biennial or Special General Meeting the Chairman shall on giving ten (10) days' notice 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.

## **18. VOTING**

- (a) At any Biennial or Special General Meeting each Member present in person or by proxy shall have one (1) 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.

## **19. 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.

## **20. 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 three (3) 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 three (3) 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 Honorary Treasurer shall present to the Biennial General Meeting for approval a report and the accounts for the preceding year.

## **21. 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.

## **22. FINANCE 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) Provided that any Branch may, with the approval of the Executive Committee, receive membership subscriptions for the AS(ICJ), provided that that Branch will remit a capitation being a proportion of the subscription as may be determined by the Executive Committee from time to time.
- (c) Each State or Territory Treasurer shall remit to the Honorary Treasurer such portion of the membership fee for each member of the Branch as may be determined by the Executive Committee in consultation with the Council and the State and Territory Branches.

## **23. INCORPORATION**

- (a) The Executive Committee may procure the incorporation of the Section according to the laws of the State of New South Wales 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 Executive Committee and be submitted to a Special General Meeting of members of the Section for its approval.

## **24. 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.
- (c) In the event that a State Branch resolves to dissolve, the funds of that Branch are to be remitted to the Section.

## **25. AFFILIATION**

The Section shall be affiliated to the International Commission of Jurists 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 it shall regard itself and act as the Australian Section 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) or such other heading as the Executive Committee may determine.

## **26. 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.

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