

ANIMAL JUSTICE PARTY INC.

Objects

- (a) To seek the election or appointment to parliaments of the states, territories and Commonwealth of Australia, of people committed to the principles of the *Animal Justice Party* Charter.
- (b) To promote the election to the Commonwealth Senate or to the Commonwealth House of Representatives of candidates endorsed by the Animal Justice Party.
- (c) To develop and implement policies consistent with the principles expressed in the *Animal Justice Party* Charter
- (d) To encourage members to take part in policy development for the *Animal Justice Party*
- (e) To support and assist in the individual and public educational processes necessary to develop an understanding of animal issues
- (f) To promote cruelty-free behaviour in the community
- (g) To expand the membership of the Animal Justice Party
- (h) To organise activities which publicise and further the aims of the Animal Justice Party
- (i) To engage with other organisations with aims consistent with those of the Animal Justice Party

Rules

Part 1 Preliminary

1 Definitions

(1) In these rules:

Committee means the governing Committee of the Party elected under these rules.

Constitution of the Party means these rules read with the Objects of the Party and the Charter of the Party.

Director-General means the Director-General of the Department of Fair Trading.

Meeting where it refers to a meeting of the Committee includes a meeting by telephone conference, video conference or any means of instantaneous communication agreed by the Committee.

Member means a person admitted to Membership under these rules who has made any payments to the Party required by these rules.

Ordinary member means a member of the Committee who is not an office-bearer of the Party, as referred to in rule 14 (2).

Party means the Animal Justice Party Inc.

Proscribed Organisation means any organisation determined to be such an organization by majority vote of the Committee.

Secretary means the person holding office under these rules as secretary of the Party.

Special General Meeting means a general meeting of the Party other than an annual general meeting.

Voting Member means a Member who has been designated by the Committee as a voting member.

the Act means the [Associations Incorporation Act 2009](#).

(2) In these rules:

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the [Interpretation Act 1987](#) apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

(4) References to statutes in these rules are references to statutes of New South Wales.

(5) The Constitution of the Party identifies the principles governing the conduct of the Party's affairs and the persons responsible for implementing them.

(6) All other Party documents are subordinate to the Constitution of the Party.

Part 2 Membership

2 Membership qualifications

Membership of the Party shall be open to any person who:

- (i) accepts and abides by the Constitution of the Party,
- (ii) who is not a current member of any other political party,
- (iii) who is not a Member of a Proscribed Organisation,
- (iv) who has been nominated for Membership of the Party according to rule 3, and
- (v) approved for Membership of the Party by the Committee.

For the avoidance of doubt, if a person applies for Membership of the Party and is at the

time he or she makes the application a member of a Proscribed Organisation, but does not communicate this fact to the Committee, that person's application is null and void.

3 Nomination for Membership

(1) A person wishing to apply for membership of the Party:

(a) must apply in writing using the form as approved by the Committee, and

(b) must lodge the form with the Secretary.

(2) As soon as practicable after receiving a nomination for Membership, the Secretary must refer the nomination to the Committee which is to determine whether to approve or to reject the nomination.

(3) As soon as practicable after the Committee makes that determination, the Secretary must:

(a) notify the nominee, in writing, that the Committee approved or rejected the nomination (whichever is applicable), and

(b) if the Committee approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under these rules by a Member as entrance fee and annual subscription.

(4) The Secretary must, on payment by the nominee of the amounts referred to in clause (3) (b) within the period referred to in that provision, enter the nominee's name in the register of Members and, on the name being so entered, the nominee becomes a Member.

4 Cessation of Membership

A person ceases to be a Member if the person:

(a) dies, or

(b) resigns Membership,

(c) is expelled from the Party,

(d) has not paid their Party Membership subscription during the period of ninety days since its due date according to these rules, or

(e) if and when the person joins another political party or Proscribed Organisation.

5 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a Member:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's Membership.

6 Register of Members

The public officer of the Party must establish and maintain a register of Members of the Party specifying the name and address of each person who is a Member together with the date on which the person became a Member.

7 Fees and subscriptions

(1) A Member must, on admission to Membership, pay to the Party a fee of \$1 or, if some other amount is determined by the Committee, that other amount.

(2) In addition to any amount payable by the Member under clause (1), a Member must pay to the Party an annual Membership fee of \$20 or, if some other amount is determined by the Committee, that other amount:

(a) except as provided by paragraph (b), before 1 July in each calendar year, or

(b) if the Member becomes a Member on or after 1 July in any calendar year—on becoming a Member and before 1 July in each succeeding calendar year.

(3) In the event that the Membership fee of any Member is not paid by the due date, the Membership will lapse after a period of ninety days after the due date.

8 Members' liabilities

The liability of a Member to contribute towards the payment of the debts and liabilities of the Party or the costs, charges and expenses of the winding up of the Party is limited to the amount, if any, unpaid by the Member in respect of Membership of the Party as required by rule 7.

9 Resolution of internal disputes

(1) Disputes between Members (in their capacity as Members) of the Party, and disputes between Members and the Party, are to be referred to a community justice centre for mediation in accordance with the [Community Justice Centres Act 1983](#).

(2) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

10 Disciplining of Members

(1) The Committee may expel any Member if their conduct is considered by the Committee to be inconsistent with the Constitution of the Party and after the disciplinary procedure set out in these rules has been followed.

(2) Before expelling any Member under sub-rule (1), the Committee:

(a) must cause notice of the conduct to be served on the Member concerned, and

(b) must give the Member at least 14 days from the time the notice is served within which to make submissions to the Committee in connection with the conduct complained of, and

(c) must take into consideration any relevant submissions made by the Member.

(3) If the Committee expels or suspends a Member, the Secretary must, within 7 days after the action is taken, cause written notice to be given to the Member of the action taken, of the reasons given by the Committee for having taken that action and of the Member's right of appeal under rule 11.

(4) The expulsion or suspension does not take effect:

(a) until the expiration of the period within which the Member is entitled to appeal against the resolution concerned, or

(b) if within that period the Member exercises the right of appeal, unless and until the Party confirms the resolution under rule 11 (5),

whichever is the later.

11 Right of appeal of disciplined Member

(1) A Member may appeal to the Party in general meeting against a resolution of the Committee under rule 10, within 7 days after notice of the resolution is served on the Member, by lodging with the Secretary a notice to that effect.

(2) The notice may, but need not, be accompanied by a statement of the grounds on which the Member intends to rely for the purposes of the appeal.

(3) On receipt of a notice from a Member under clause (1), the Secretary must notify the Committee which is to convene a general meeting of the Party to be held within 28 days after the date on which the Secretary received the notice.

(4) At a general meeting of the Party convened under clause (3):

(a) no business other than the question of the appeal is to be transacted, and

(b) the Committee and the Member must be given the opportunity to state their respective cases orally or in writing, or both, and

(c) the Voting Members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

(5) If at the general meeting the Party passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

Part 3 The Committee

12 Powers of the Committee

The Committee is to be called the Committee of Management of the Party and, subject to the Act, any regulation made under the Act, and these rules, and to any resolution passed by the Party in general meeting:

(a) may exercise all such functions as may be exercised by the Party, other than those functions that are required by these rules to be exercised by a general meeting of Members of the Party, and

(b) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Party, and

(c) is the only body authorised to make statements or communications to the media or any other person concerning the activities or policies of the Party, save that the Committee may by majority vote delegate that function to any person or persons, and

(d) may determine the financial year which is to apply to the affairs of the Party, and

(e) may determine which Members are to be designated as Voting Members, provided that the Committee must ensure that at all times there are at least five Members designated as Voting Members.

13 Constitution and Membership

(1) Subject in the case of the first members of the Committee to section 21 of the Act, the Committee is to consist of:

(a) the office-bearers of the Party, and

(b) 5 ordinary members,

each of whom is to be elected at the annual general meeting of the Party under rule 14, providing that only Voting Members are eligible for election as members of the Committee.

(2) The office-bearers of the Party are to be:

- (a) the president,
- (b) the vice-president,
- (c) the treasurer, and
- (d) the secretary.

(3) Each member of the Committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

(4) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a Voting Member to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

14 Election of Members

(1) Nominations of candidates for election as office-bearers of the Party or as ordinary members of the Committee, who must be Voting Members:

- (a) must be made in writing, signed by 2 Voting Members and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
- (b) must be delivered to the Secretary at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.

(2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.

(3) If insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be casual vacancies.

(4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

(5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

(6) The ballot for the election of office-bearers and ordinary members of the Committee is to be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.

15 Secretary

The duties of the Secretary comprise:

- (1) Being responsible for the carrying out of the administration, and for the carrying out of the correspondence, of the Party
- (2) Giving notification of all Committee meetings in the required time as specified by these Rules
- (3) Preparing agenda for meetings, tabling correspondence and recording meeting attendance
- (4) Ensuring Minutes of meetings are signed by the chairperson of the meeting, or by the chairperson of the next succeeding meeting, the keeping of Minutes, and their distribution to Committee members within 28 days
- (5) Maintaining the Party register
- (6) Be the delegated person in correspondence with Australian Electoral Commissions
- (7) Perform other duties as the Committee of Management might specify from time to time.

16 Treasurer

It is the duty of the treasurer of the Party to ensure:

- (a) that all money due to the Party is collected and received and that all payments authorised by the Party are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the Party, including full details of all receipts and expenditure connected with the activities of the Party.

17 Casual vacancies

For the purposes of these rules, a casual vacancy in the office of a member of the Committee occurs if the member:

- (a) dies, or
- (b) ceases to be a Member, or
- (c) becomes bankrupt within the meaning of the Bankruptcy Act 1966 of the Commonwealth, or
- (d) resigns office by notice in writing given to the secretary, or

(e) is removed from office under rule 19, or

(f) becomes a mentally incapacitated person, or

(g) is absent without the consent of the Committee from all meetings of the Committee held during a period of 6 months.

18 Removal of Member

(1) The Party in general meeting may by resolution remove any member of the Committee from the office of member before the expiration of the member's term of office and may by resolution appoint another Voting Member to hold office until the expiration of the term of office of the member so removed.

(2) If a member of the Committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the Voting Members of the Party, the secretary or the president may send a copy of the representations to each Voting Member or, if the representations are not so sent, the Member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

19 Meetings and quorum

(1) The Committee must meet at least 3 times in each period of 12 months at such place and time as the Committee may determine.

(2) Additional meetings of the Committee may be convened by the president or by any member of the Committee.

(3) Oral or written notice of a meeting of the Committee must be given by the secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the Committee) before the time appointed for the holding of the meeting.

(4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Committee members present at the meeting unanimously agree to treat as urgent business.

(5) Any 5 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.

(6) A meeting of the Committee may be conducted by any form of instantaneous communication, including telephone or video conference, or internet communication (such as MSN Messenger), as approved by the Committee.

(7) Members of the Committee may pass a resolution without a Committee

meeting being held if all the members of the Committee entitled to vote on the resolution indicate in writing to all the other members of the Committee that they are in favour of the resolution set out in the document.

(8) No business is to be transacted by the Committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.

(9) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.

(10) At a meeting of the Committee:

(a) the president or, in the president's absence, the vice-president is to preside, or

(b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the Committee as may be chosen by the members present at the meeting is to preside.

20 Delegation by Committee to sub-Committee

(1) The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such Voting Members as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than:

(a) this power of delegation, and

(b) a function which is a duty imposed on the Committee by the Act or by any other law.

(2) A function the exercise of which has been delegated to a sub-Committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-Committee in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Despite any delegation under this rule, the Committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a sub-Committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.

(6) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

(7) A sub-Committee may meet and adjourn as it thinks proper.

21 Voting and decisions

(1) Questions arising at a meeting of the Committee or of any sub-Committee appointed by the Committee are to be determined by a majority of the votes of members of the Committee or sub-Committee present at the meeting.

(2) Each member present at a meeting of the Committee or of any sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(3) The Committee may act despite any vacancy on the Committee.

(4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a sub-Committee appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-Committee.

22 Endorsement of candidates

(1) The Committee shall determine procedures for the selection and approval of candidates for public office.

(2) The Committee must ensure those procedures are documented and made available to Members wishing to inspect them.

(3) The responsibilities of the Committee regarding preselection of candidates for public office include, but are not limited to:

(a) determining the timing of the call for nominations and of the preselection process,

(b) determining the need for a Voting Member ballot for candidates and running order, and

(c) documenting criteria for candidate selection.

(4) Where a ballot is held to pre-select candidates, only Members who have been Voting Members for at least six months prior to the date of distribution of the ballot will be eligible to vote in the ballot.

23 Direction of preferences

The Committee will decide on the allocation of preferences in relation to any

parliamentary election.

Part 4 General meetings

24 Annual general meetings—holding of

(1) With the exception of the first annual general meeting of the Party, the Party must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the Party, convene an annual general meeting of its Members.

(2) The Party must hold its first annual general meeting:

(a) within the period of 18 months after its incorporation under the Act, and

(b) within the period of 6 months after the expiration of the first financial year of the Party.

(3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Director-General under section 26 (3) of the Act.

25 Annual general meetings—calling of and business at

(1) The annual general meeting of the Party is, subject to the Act and to rule 24, to be convened on such date and at such place and time as the Committee thinks fit.

(2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:

(a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,

(b) to receive from the Committee reports on the activities of the Party during the last preceding financial year,

(c) to elect office-bearers of the Party and ordinary Members of the Committee,

(d) to receive and consider the statement which is required to be submitted to Members under section 26 (6) of the Act,

(e) to consider and vote on Party policy.

(3) An annual general meeting must be specified as such in the notice convening it.

26 Special general meetings—calling of

- (1) The Committee may, whenever it thinks fit, convene a special general meeting of the Party.
- (2) The Committee must, on the requisition in writing of at least 5 per cent of the total number of Voting Members, convene a special general meeting of the Party.
- (3) A requisition of Voting Members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting, and
 - (b) must be signed by the Voting Members making the requisition, and
 - (c) must be lodged with the Secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the Voting Members making the requisition.
- (4) If the Committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of Voting Members for the meeting is lodged with the Secretary, any one or more of the Voting Members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a Voting Member or Voting Members as referred to in sub-clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee and any Voting Member who consequently incurs expense is entitled to be reimbursed by the Party for any expense so incurred.

27 Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Party, the Secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each Voting Member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Party, the Secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each Voting Member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 25 (2).

(4) A Voting Member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the Voting Member.

28 Procedure

(1) No item of business is to be transacted at a general meeting unless a quorum of Voting Members entitled under these rules to vote is present during the time the meeting is considering that item.

(2) Five Voting Members present in person (being Voting Members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:

(a) if convened on the requisition of Voting Members, is to be dissolved, and

(b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to Voting Members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Voting Members present (being at least 3) is to constitute a quorum.

29 Presiding Member

(1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the Party.

(2) If the president and the vice-president are absent or unwilling to act, the Voting Members present must elect one of their number to preside as chairperson at the meeting.

30 Adjournment

(1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of Voting Members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) If a general meeting is adjourned for 14 days or more, the Secretary must

give written or oral notice of the adjourned meeting to each Voting Member stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

31 Making of decisions

(1) A question arising at a general meeting of the Party is to be determined on a show of hands by the Voting Members present and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Party, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

(2) At a general meeting of the Party, a poll may be demanded by the chairperson or by at least 3 Voting Members present in person at the meeting.

(3) If a poll is demanded at a general meeting, the poll must be taken:

(a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment,
or

(b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs,

and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

32 Special resolution

A resolution of the Party is a special resolution:

(a) if it is passed by a majority which comprises at least three-quarters of such Voting Members of the Party as, being entitled under these rules so to do, vote in person at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or

(b) where it is made to appear to the Director-General that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in a manner specified by the Director-General.

33 Voting

(1) On any question arising at a general meeting of the Party a Voting Member has one vote only.

(2) All votes must be given personally.

(3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

(4) A Voting Member is not entitled to vote at any general meeting of the Party unless all money due and payable by the Voting Member to the Party has been paid, other than the amount of the annual subscription payable in respect of the then current year.

(5) Members who are not Voting Members are not entitled to vote at a general meeting of the Party.

Part 5 Miscellaneous

34 Insurance

The Party may effect and maintain insurance.

35 Funds—source

(1) The funds of the Party are to be derived from entrance fees and annual subscriptions of Members, donations and, subject to any resolution passed by the Party in general meeting, such other sources as the Committee determines.

(2) All money received by the Party must be deposited as soon as practicable and without deduction to the credit of the Party's bank account.

(3) The Party must, as soon as practicable after receiving any money, issue an appropriate receipt.

36 Funds—management

(1) The assets and income of the Party shall be applied solely in furtherance of its objects and no portion shall be distributed directly or indirectly to the Members except as *bona fide* compensation for services rendered or expenses incurred on behalf of the Party.

(2) in the event of the Party being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.

(3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any member of the Committee or employees of the Party, being members or employees authorised to do so by the Committee.

37 Alteration of objects and rules

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the Party.

38 Common seal

(1) The common seal of the Party must be kept in the custody of the public officer.

(2) The common seal must not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal must be attested by the signatures either of 2 Members of the Committee or of 1 Member of the Committee and of the public officer or secretary.

39 Custody of books

Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the Party.

40 Inspection of books

The records, books and other documents of the Party must be open to inspection, free of charge, by a Member at any reasonable hour.

41 Service of notices

(1) For the purpose of these rules, a notice may be served on or given to a person:

- (a) by delivering it to the person personally, or
- (b) by sending it by pre-paid post to the address of the person, or
- (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.

(2) For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:

- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
- (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a

report indicating that the notice was sent on a later date, on that date.