



WESTERN AUSTRALIAN BRANCH

POLICIES and OPERATIONAL PROCEDURES MANUAL

Updated – 16-Nov-04

L1. LEGAL PROCEEDINGS.

L1.1 Introduction.

- L1.1.1 The Scout Association of Australia, Western Australian Branch (“the Association”) is a body corporate under the laws of the State of Western Australia and as such it has the power to sue or be sued by others in the courts.
- L1.1.2 The Branch Office must be made aware of any proceedings against the Association without delay. The Branch Office is situated at 581 Murray Street West Perth WA 6005 and is the registered office of the Association. Summonses and other documents which initiate proceedings must be served at this address to be affective. Other less formal steps such as a Solicitors letter of demand often precede formal court proceedings and should be also be referred to the Branch Office without delay.
- L1.1.3 For court proceedings to be taken by the Association against others, no action is to be taken without the knowledge of, and approval by, the Branch Office.
- L1.1.4. Should court proceedings be initiated or defended by the Association it will appoint Solicitors who will take instructions from the Branch Office. The Association is served by a firm of Solicitors that will undertake work on its behalf. Solicitors on Group Committees may wish to be involved by offering advice for no fee, or at a reduced fee, or have specialist skills in a particular area of dispute, however, at all times there needs to be an understanding that no action may be taken on behalf of the Association by any one person. If this Solicitor is desirous of providing such a service then they must be referred to the Branch Office.
- L1.1.5. Except in cases of emergency, such as where an injunction is required at short notice, the channel of communication by a formation to the Branch Office is through the District Commissioner. Should an emergency arise then copies of correspondence going direct to the Branch Office should also be provided to the District Commissioner.
- L1.1.5.1 Under no circumstances are delays to be experienced by the channel of communication. Once any advice is received it must be acted upon with all haste.
- L1.1.6 The extent to which the Branch Office becomes involved in the conduct of the proceedings will depend on the importance of the subject matter in terms of money or otherwise. A simple fencing dispute to recover a contribution to a new fence for a Group, may need a little more than a letter from the Branch Office either directly of from a recommended Solicitor. In contrast proceedings arising from a dispute involving from a dispute from a Local Government Authority or the like may be seen as particularly sensitive or important as a precedent in view of the number of leases held by the Association. In such a case/s the Branch Office is likely to be in frequent

communication with the Solicitors representing the Association concerning those proceedings.

Authority:

The document was endorsed by the Chief Commissioner's Committee on 27 October 04 and by the Branch Management Committee on 16 November 04 for inclusion in the Policies and Operational Procedures Manual and accordingly is incorporated into the Branch Risk Register from this date.

Signed M. H. Thomas - Chief Commissioner.

J. S. Noakes - Branch Chairman.

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