

RULES OF THE ILLAWARRA BRIDGE ASSOCIATION INCORPORATED

**RULES OF THE IBA INC.
Version 3
passed at a Special General Meeting
held on the 29th August 2015**

RULES OF THE ILLAWARRA BRIDGE ASSOCIATION INCORPORATED

Part 1 - Preliminary

INTERPRETATION

1. (1) In these rules, except in so far as the context or subject matter otherwise indicates or requires-

“ordinary member” means a member of the committee who is not an office-bearer of the association, as referred to in rule 14(2); or their successors in title.

“secretary” means -

(a) the person holding office under these rules as secretary of the association, or

(b) where no such person holds that office, the public officer of the association.

“special general meeting” means a general meeting of the association other than the annual general meeting.

“the Act” means the *Associations Incorporation Act, 1984*.

“the Regulation” means the *Associations Incorporation Regulation, 1985*.

(2) In these rules:

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

(b) reference to the exercise of a function includes, where 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.

Part II - Membership

MEMBERSHIP QUALIFICATIONS

2. A person is qualified to be a member of the association if, but only if -

(a) the person is a person referred to in section 15(1)(a), (b), (c) of the Act and has not ceased to be a member of the association at any time after incorporation of the association under the Act; or

(b) the person is a natural person who –

(i) has been nominated for membership of the association as provided by rule 3; and

(ii) has been approved for membership of the association by the committee of the association.

(iii) any member who has been elected as a life member of the association under the provisions of rule 4.

NOMINATION FOR MEMBERSHIP

3. (1) Nomination of a person(s) for membership of the association

(a) shall be made by a member of the association in writing in the form set out in Appendix 1 to these rules; and

(b) shall be lodged with the secretary of the association.

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- (2) As soon as practicable after receiving a nomination for membership, the secretary shall refer the nomination to the committee which shall determine whether to accept or to reject the nomination.
- (3) Where the committee determines to accept a nomination for membership, the secretary shall, as soon as practicable after that determination, notify the nominee of that approval and request the nominee to pay within the period of 28 days after the receipt by the nominee of the notification of the sum payable under these rules by a member as entrance fee and annual subscription.
- (4) The secretary shall, on payment by the nominee of the amounts referred to in clause (3) within the period referred to in that clause, enter the nominee's name in the register of members and, upon the name being so entered, the nominee becomes a member of the association.

NOMINATION FOR LIFE MEMBERSHIP

4. Any member who has rendered meritorious service to the association may on account of such service be elected as a life member at any special general meeting or annual general meeting of the members of the association. Nominations for life membership shall be made in writing in the form approved by the Management Committee by a proposer and seconder, who shall be financial or life members of the association. Such nomination forms shall be posted on the notice board and provided to all members under the appropriate rules of the association for special and annual general meetings. The election shall be by ballot and shall require a majority of 75% of the membership who vote. Life members will enjoy all the benefits of financial membership for life, without payment of the annual membership fee and their names will be recorded on the honour roll.

CESSATION OF MEMBERSHIP

5. A person ceases to be a member of the association if the person:
 - (a) dies, or
 - (b) resigns membership, or
 - (c) is expelled from the association.
 - (d) With the exception of Life Members (as defined by Rule 4), does not pay their annual membership fee in **either** of the preceding **two** years.

MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

6. A right, privilege or obligation which a person has by reason of being a member of the association:
 - (a) is not capable of being transferred or transmitted to another person, and
 - (b) terminates on cessation of the person's membership.

RESIGNATION OF MEMBERSHIP

7. (1) A member of the association is not entitled to resign that membership except in accordance with this rule.
 - (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the

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association by first giving notice (being not less than 1 month or not less than such other period as the committee may determine) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.

- (3) Where a member of the association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

REGISTER OF MEMBERS

8. (1) The public officer of the association shall establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of the association and shall be open for inspection, free of charge, by any member of the association at any reasonable hour.

FEEES AND SUBSCRIPTIONS

9. (1) A member of the association shall, on admission to membership, pay to the association 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 of the association shall pay to the association an annual membership fee of \$2 or, where some other amount is determined by the committee, that other amount:
 - (a) except as provided by paragraph (b), before 1 March in each calendar year, or
 - (b) where the member becomes a member on or after 1 July in any calendar year - on becoming a member and before 1 March in each succeeding calendar year.

MEMBERS' LIABILITIES

10. The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by rule 9.

RESOLUTION OF INTERNAL DISPUTES

- 10A Disputes between members (in their capacity as members) of the association, or a dispute between members and the association, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.

DISCIPLINING OF MEMBERS

11. (1) Where the committee is of the opinion that a member of the association -
 - (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or

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- (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association.
- the committee may, by resolution -
- (c) expel the member from the association or
 - (d) suspend the member from membership of the association for a specified period.
- (2) A resolution of the committee under clause (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause (3), confirms the resolution in accordance with this rule.
 - (3) Where the committee passes a resolution under clause (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member –
 - (a) setting out the resolution of the committee and the grounds on which it is based;
 - (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of the meeting; and
 - (d) informing the member that the member may do either or both of the following:
 - (i) attend and speak at that meeting ;
 - (ii) submit to the committee at or prior to that date of that meeting written representations relating to the resolution.
 - (4) At a meeting of the committee held as referred to in clause (3), the committee shall –
 - (a) give to the member an opportunity to make oral representations;
 - (b) give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or revoke the resolution.
 - (5) Where the committee confirms a resolution under clause (4), the secretary shall, within 7 days after that confirmation, by notice in writing inform the member of the fact and of the member's right of appeal under rule 12.
 - (6) A resolution confirmed by the committee under clause (4) does not take effect -
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
 - (b) where within that period the member exercises the right of appeal, unless and until the association confirms the resolution pursuant to rule 12(4).

RIGHT OF APPEAL OF DISCIPLINED MEMBER

- 12. (1) A member may appeal to the association in general meeting against a resolution of the committee which is confirmed under rule 11(4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) Upon receipt of a notice from a member under clause (1), the secretary shall notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.

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- (3) At a general meeting of the association convened under subclause (2) -
 - (a) no business other than the question of the appeal shall be transacted,
 - (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 members present in person or by proxy shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
 - (d) Proxies will be delivered directly to a Returning Officer who is appointed by the Management Committee and who is impartial as to the outcome of the vote.
- (4) The appeal is to be determined by a simple majority of votes cast by members of the association.

PART III - THE COMMITTEE

POWERS, ETC. OF THE COMMITTEE

13. The committee shall be called the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting, the committee:
 - (a) is to control and manage the affairs of the association;
 - (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by these rules to be exercised by a general meeting of members of the association; and
 - (c) 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 association.

CONSTITUTION AND MEMBERSHIP

14. (1) Subject in the case of the first members of the committee to section of the Act, the committee shall consist of -
 - (a) the office-bearers of the association, and
 - (b) ordinary members,each of whom shall be elected at the annual general meeting of the association pursuant to rule 15.
 - (2) The office-bearers of the association shall be -
 - (a) the president,
 - (b) the vice-president,
 - (c) the treasurer,
 - (d) the secretary.
 - (3) Each member of the committee shall, subject to these rules, 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 member of the association to fill the vacancy and the member so appointed

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shall hold office, subject to these rules, until the conclusion of the annual general meeting following the date of appointment.

ELECTION OF COMMITTEE MEMBERS

15. (1) Nominations of candidates for election as office-bearers of the association or as ordinary members of the committee -
- (a) shall be made in writing, signed by 2 members of the association 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 of the association not less than 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 shall be deemed 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 shall be deemed to be casual vacancies.
- (4) 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.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a secret ballot shall be held.
- (6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A person nominated as a candidate for election under this clause is not valid if that candidate has been nominated for election to another office at the same election.

SECRETARY

16. (1) The secretary of the association shall, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes of -
- (a) all appointments of office-bearers and members of the committee;
 - (b) the names of members of the committee present at a committee meeting or a general meeting; and
 - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

TREASURER

17. It is the duty of the treasurer of the association to ensure that -

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

CASUAL VACANCIES

18. For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member -

- (a) dies;
- (b) ceases to be a member of the association;
- (c) becomes insolvent under administration within the meaning of the Corporations Law;
- (d) resigns office by notice in writing given to the secretary;
- (e) is removed from office under clause 19;
- (f) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- (g) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

REMOVAL OF COMMITTEE MEMBERS

19. (1) The association 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 person to hold office until the expiration of the term of office of the member so removed.
- (2) Where a member of the committee to whom a proposed resolution referred to in clause (1) makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association 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.

COMMITTEE MEETINGS AND QUORUM

20. (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 shall 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.

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- (4) Notice of a meeting given under clause (3) shall 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 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) 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.
- (7) 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.
- (8) 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 as such one of the remaining members of the committee as may be chosen by the members present at the meeting shall preside.

DELEGATION BY COMMITTEE TO SUB-COMMITTEE

- 21.** (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association 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 thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
 - (4) Notwithstanding any delegation under this clause, 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 clause 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 clause.
 - (7) A sub-committee may meet and adjourn as it thinks proper.

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VOTING AND DECISIONS

- 22.** (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) Subject to rule 20(5), the committee may act notwithstanding 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 notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

PART IV - GENERAL MEETINGS

ANNUAL GENERAL MEETINGS - HOLDING OF

- 23.** (1) With the exception of the first annual general meeting of the association, the association shall, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) The association shall 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 association.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Commission under section 26(3) of the Act.

ANNUAL GENERAL MEETINGS - CALLING OF AND BUSINESS AT

- 24.** (1) The annual general meeting of the association shall, subject to the Act and to clause 23, 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 shall be -
- (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 association during the last preceding financial year;
- (c) to elect office-bearers of the association and ordinary members of the committee; and
- (d) to receive and consider the statement which is required to be submitted to members pursuant to section 26(6) of the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

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SPECIAL GENERAL MEETINGS - CALLING OF

25. (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee shall, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting -
- (a) shall state the purpose or purposes of the meeting;
 - (b) shall be signed by the members making the requisitions;
 - (c) shall be lodged with the secretary; and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the 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 member or members as referred to in clause (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the association for any expense so incurred.

NOTICE

- 26 (1) Notice to each member of the Association will be given by; prepaid post, e-mail and attachment, or by publication on the Association's web site. Each member will be given the opportunity to nominate their preference for receipt of the notice when they pay their annual membership fee. If a member does not nominate a preferred method of receiving their notice they will be assumed to access the notices by the publication on the Association's web site.
- (2) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, inform each member by one of the methods outlined in Rule 26(1), of the date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (3) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, inform each member in the manner provided in clause (2) and Rule 26(1), specifying, in addition to the matter required under clause (2), the intention to propose the resolution as a special resolution.
- (4) 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 24(3).
- (5) A 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 member.

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PROCEDURE

27. (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Five members present (being members entitled under this constitution 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 if convened on the requisition of members, is to be dissolved and in any other case shall 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 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 members present (being not less than 3) are to constitute a quorum.

PRESIDING MEMBER

28. (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

ADJOURNMENT

29. (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of 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) Where a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association 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.

MAKING OF DECISIONS

30. (1) A question arising at a general meeting of the association is to be determined on a show of hands 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 the 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 association, is evidence of the fact without proof of the number or proportion of votes recorded in favour or against that resolution.
- (2) At a general meeting of the association, a poll may be demanded by the chairperson or by not less than 3 members present in person or by proxy at the meeting.

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- (3) Where a poll is demanded at a general meeting, the poll shall be taken –
 - (a) immediately in the case of a poll which relates to the election of a 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 shall be deemed to be the resolution of the meeting on that matter.

SPECIAL RESOLUTIONS

31. A special resolution may only be passed by the association in accordance with section 39 of the Act.

VOTING

32. (1) Upon any question arising at a general meeting of the association a member has one vote only.
 - (2) All votes shall be given personally or by proxy but no member may hold more than 5 proxies.
 - (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 member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

APPOINTMENT OF PROXIES

33. (1) Each member shall be entitled to appoint another member as a proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
 - (2) The notice appointing the proxy shall be in the form set out in Appendix 2 to these rules.

PART V - MISCELLANEOUS

INSURANCE

34. (1) The association shall effect and maintain insurance pursuant to section 44 of the Act.
 - (2) In addition to the insurance required under clause (1), the association may effect and maintain other insurance.

FUNDS - SOURCE

35. (1) The funds of the association shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
 - (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank account.

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

FUNDS - MANAGEMENT

36. (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.

ALTERATION OF OBJECTS AND RULES

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

COMMON SEAL

38. (1) The common seal of the association shall be kept in the custody of the public officer.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall 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.

CUSTODY OF BOOKS ETC

39. 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 association.

INSPECTION OF BOOKS ETC

40. The records, books, and other documents of the association shall be open to inspection, free of charge, by a member of the association at any reasonable hour.

SERVICE OF NOTICES

41. (1) For the purpose of these rules, a notice may be served by or on behalf of the association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time which the letter would have been delivered in the ordinary course of post.