

Importance of maintaining records of business dealings and recording meetings

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This month's article in *Crescent Times*

costs to your business by failing to keep accurate records can be catastrophic.

It is also good practice when dealing with "mates" in business to have a formal agreement in place; what may seem an awkward request to make of a "mate" will seem minor when your former "mate" is against you in court proceedings.

A bonus of keeping accurate records and maintaining formal agreements between business "mates" is that should the need for litigation arise your legal costs will be reduced drastically, as time is not consumed retracing your company's business practices and arrangements.



litigation by maintaining good business

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will look at two matters of legal interest. The first concerns the importance of maintaining records of business dealings and the second with the actual recording of meetings.

Maintaining records of business dealings

Logie-Smith Lanyon recently acted on behalf of two businesses, one had relied upon a "mates" word in a business transaction and later found itself part of a court case with their former "mate". The other had failed to take accurate records of services provided by them to a customer and therefore did not have a solid claim for the money owed.

The commercial litigation department at Logie-Smith Lanyon has clients who have come to see us as a result of poor bookkeeping or inadequate invoicing. Although keeping accurate records can seem a tedious process when trying to maximise your business's potential, the

Recording a meeting?

In a recent case from South Australia, the issue of recording the meeting of a management committee was at issue. While this matter dealt with a joint venture business entity, the same principles would most likely apply to an incorporated association. In this case, the court held that the Chairperson of a meeting and the meeting itself can prohibit the use of recording device at the meeting.

For completeness, you should examine what your constitution says about meetings generally, the power of the Chairperson, and whether there are any by-laws which deal with the recording of meetings. Ordinarily the secretary of an organisation may wish to record the meeting to assist with the compilation of the minutes as a true and accurate record of events.

For information about avoiding

practices and about what constitutes a potentially litigious arrangement or for questions about your organisation's constitution please feel free to contact us at Logie-Smith Lanyon.

This article is for educational and general information purposes only and should not be relied on as (or in substitution for) legal, accounting, financial or other professional advice. Hyder is a registered nurse, a qualified lawyer, an accredited mediator as well as a Fellow of the Royal College of Nursing in Australia. He has post graduate qualifications in business/management, law and nursing. He has served as an officer with the Royal Australian Air Force, both in Australia and overseas. He has published in areas such as trans-cultural nursing, health law, criminal law and military law. Andrea is a Senior Associate within the litigation and dispute resolution team with extensive experience in commercial disputes, professional indemnity, corporate compliance, administrative law, banking and finance litigation, trade practices and personal and corporate insolvency. Andrea has an Arts/Law degree from Deakin University and was admitted to practice in 2001. Andrea is a committee member of Victorian branch of the International Women's Insolvency and Reconstruction Confederation.

Chinese dissident Liu wins 2010 Nobel Peace Prize

Imprisoned Chinese dissident Liu Xiaobo has won the 2010 Nobel Peace Prize for "his long and non-violent struggle for fundamental human rights" -- a prize likely to enrage the Chinese government, which had warned the Nobel committee not to honor him.

Thorbjørn Jagland, the Norwegian Nobel Committee chairman, said Liu Xiaobo was a symbol for the fight for human rights in China and the government should expect that its policies face scrutiny.

China should begin democratic reforms and if so how quickly. The Nobel citation said China's new status a big economic and political power must entail increased responsibility.

"China is in breach of several international agreements to which it is a signatory, as well as of its own provisions concerning political rights," it said, citing an article in China's constitution about freedom of speech and assembly.

"In practice, these freedoms have proved to be distinctly



"China has become a big power in economic terms as well as political terms, and it is normal that big powers should be under criticism," Jagland said. Unlike some in China's highly fractured and persecuted dissident community, the 54-year-old Liu has been an ardent advocate for peaceful, gradual political change, rather than a violent confrontation with the government.

In China, broadcasts of CNN, which is available in tourist hotels, upmarket foreign hotels and places where foreigners gather, went black during the Nobel announcement and when reports about the award later aired. China's Foreign Ministry did not immediately comment, but a spokeswoman said recently that choosing Liu would go against the prize's aims.

China strongly denounced the Nobel Peace Prize awarded to Liu, calling it an obscenity that goes against the aims of the award. It would hurt China's relations with Norway, said a statement from Chinese Foreign Ministry spokesman Ma Zhaoxu posted on its website. "This is an obscenity against the peace prize," Ma said.

It was the first Nobel for the Chinese dissident community since China resurfaced after the country's communist leadership launched economic, but not political reforms three decades ago. The win could precipitate a debate among the leadership and the elite over whether

curtailed for China's citizens," the citation said. The document Liu co-authored, Charter 08, called for greater freedoms and an end to the Communist Party's political dominance. It was an intentional echo of Charter 77, the famous call for human rights in then-Czechoslovakia that led to the 1989 Velvet Revolution that swept away communist rule.

"The democratisation of Chinese politics can be put off no longer," Charter 08 says.

Thousands of Chinese signed Charter 08, and the Communist Party took the document as a direct challenge.

Police arrested Liu hours before Charter 08 was due to be released in December 2008. Given a brief trial in December 2009, Liu was convicted of subversion for writing Charter 08 and other political tracts and sentenced to 11 years in prison.

In a year with a record 237 nominations for the peace prize, Liu had been considered a favorite, with open support from previous winners Archbishop Desmond Tutu, the Tibetan spiritual leader the Dalai Lama and others.

When the Tibet-born Dalai Lama won the peace prize in 1989, both the Chinese government and some of the public were angry -- the exiled Buddhist leader was endlessly vilified in official propaganda as a traitor for his calls for more autonomy for Tibet.

*Source: *Today Zaman*

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