

CAMBRIDGE COASTCARE (Inc)

CONSTITUTION AND RULES

NAME OF ASSOCIATION

1. The name of the Association is Cambridge Coastcare (Inc)

DEFINITIONS

2. In these rules, unless the contrary intention appears:

“**associate**” means any person or corporation admitted as an associate by the Association pursuant to these rules;

“**Association**” means “Cambridge Coastcare (Inc)”;

“**committee meeting**” means a meeting referred to in rule 15 (1);

“**committee member**” means a person referred to in paragraph (a), (b), (c), (d), or (e) of rule 10 (1);

“**Council**” means the council of the Municipality of the Town of Cambridge;

“**financial year**” means a year commencing on 1 July within the meaning given by section 3 of the *Act*, a reference in that section to:

(a) “**an incorporated association**” or “**the association**” being construed as a reference to the Association; and

(b) “**the committee**” being construed as a reference to the Committee

“**general meeting**” means a meeting convened under rule 16;

“**member**” means a member of the Association

“**ordinary resolution**” means resolution other than a special resolution;

“**special resolution**” has the meaning given by section 51 of the *Act*

“**the Act**” means the *Associations Incorporations Act 2015*;

“**the Chairperson**” means:

(a) in relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting in accordance with rule 11; or

(b) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in Rule 10(1) (a) or, if that person is unable to perform his/her functions, the Deputy Chairperson;

“the Committee” means the Committee of Management of the Association referred to in rule 10 (1);

“the Secretary” means the Secretary referred to in rule 10(1)(c);

“the Treasurer” means the Treasurer referred to in rule 10(1)(d);

“the Deputy-Chairperson” means the Deputy-Chairperson referred to in rule 10 (1) (b).

OBJECTS OF ASSOCIATION

3. (1) The objects of the Association are to:

- a) Promote the ecological sensitive and sustainable use of the coastal zone within the Town of Cambridge in association with the Council;
- b) Promote an awareness of the need to conserve and protect the natural resources and promote natural ecological processes of the coastal zone within the municipality of the Town of Cambridge and adjoining areas;
- c) Contribute to the development of policies which promote ecologically sustainable land use in the coastal zone within the municipality of the Town of Cambridge and adjoining areas;
- d) Undertake coast rehabilitation projects within the municipality of the Town of Cambridge and adjoining areas;
- e) Develop action plans for the care and management of the coastal zone within the municipality of the Town of Cambridge and adjoining areas;
- f) Obtain financial support for activities which will promote and ensure the conservation, sustainable use and ecological processes of the coastal zone within the municipality of the Town of Cambridge and adjoining areas;

(2) The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

POWERS OF THE ASSOCIATION

4. The Association has the powers conferred on it by section 14 of the *Act*.

QUALIFICATIONS FOR MEMBERSHIP OF THE ASSOCIATION

5. (1) Membership of the Association is open to:

- (a) residents of the Town of Cambridge interested in the sustainable use of the coastal zone within the municipality of the Town of Cambridge and adjoining areas;
- (b) natural or judicial persons who may not be residents of the Town of Cambridge sharing in the interests in the sustainable use of the coastal zone;

- (c) an appointee of the Council of the Town of Cambridge who shall represent Council interests as manager of the coastal zone that is vested in the Council; and
 - (d) Businesses, corporations, government and management organisations which shall be known as corporate members and who shall be represented by an authorised person.
- (2) A person who wishes to become a member of the Association shall:
- (a) apply for membership to the Committee in writing:
 - (i) signed by that person and by both members referred to in paragraph (b); and
 - (ii) in such form as the Committee from time to time direct; and
 - (b) be proposed by one member and seconded by another member.
- (3) Committee members shall at a meeting of the Committee consider each application made under subrule (2) and shall at that Committee meeting or at a subsequent Committee meeting accept or reject that application by at least a 75% majority, and the reason for any such decision shall not be required to be made public.
- (4) The Committee may if it deems fit recommend to the Annual General Meeting that a person who has made an outstanding contribution to the achievement of the objects of the Association be elected a Life Member of the Association without payment of subscription and such person shall be elected a Life Member if a resolution to that effect shall be passed by a majority of 75% of the members present and voting as such at the Annual General Meeting.

REGISTER OF MEMBERS OF THE ASSOCIATION

6. (1) The secretary shall on behalf of the Association keep and maintain the register of members in accordance with section 53 of the *Act* and that register may be so kept and maintained at his or her place of residence.
- (2) The Secretary shall cause the name of a person who dies or who ceases to be a member under rule 7 (3), 8 (1) or 9 to be deleted from the register of members referred to in the subrule (1).

SUBSCRIPTION OF MEMBERS OF THE ASSOCIATION

7. (1) The members shall from time to time at a general meeting determine the amount of the subscription to be paid by each member.
- (2) Each member shall pay to the Treasurer, annually on or before 1st July or such other date as the Committee from time to time determines, the amount of the subscription determined under subrule (1).

- (3) Subject to subrule (4), a member whose subscription is not paid within 3 months after the relevant date fixed by or under subclause (2) ceases on the expiry of that period to be a member, unless the Committee decides otherwise.
- (4) A member is a financial member for the purposes of these rules if his/her subscription is paid on or before the relevant date fixed by or under subrule (2) or within 3 months thereafter.
- (5) The Association may from time to time establish different categories of membership including Associate Membership and Life Membership with different fee structures for each category.

RESIGNATION OF MEMBERS OF THE ASSOCIATION

8. (1) A member who delivers a notice in writing of his/her resignation from the Association to the Secretary or another Committee member, or who resigns verbally at a committee meeting or general meeting, ceases on that delivery, or immediately upon that verbal resignation which shall be recorded in the minutes of that meeting as the case may be, to be a member.
 - (2) A person who ceases to be a member under subrule (1) may be held liable to pay to the Association the amount of any subscription due and payable by that person to the Association but unpaid to the date of that cessation.

EXPULSION OF MEMBERS OF THE ASSOCIATION

9. (1) If the committee considers that a member should be expelled from membership of the Association because of his or her conduct detrimental to the interests of the Association, the Committee shall communicate, either orally or in writing, to the member:
 - (a) notice of the proposed expulsion and the time, date and place of the Committee meeting at which the question of that expulsion will be decided; and
 - (b) particulars of that conduct, not less than 30 (thirty) days before the date of the Committee meeting referred to in paragraph (a).
- (2) At the Committee meeting referred to in a notice communicated under subrule (1), the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, expel or decline to expel that member from membership of the Association and shall, forthwith after deciding whether or not so to expel him or her, communicate that decision in writing to him or her.
- (3) Subject to subrule (5), a member who is expelled under subrule (2) from membership of the Association ceases to be a member 14 days after the day on which the decision so to expel that member is communicated to that member under subrule (2).
- (4) A member who is expelled under subrule (2) from membership of the Association shall, if he or she wishes to appeal against that expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in subrule (3).

(5) When notice is given under subrule (4):

- (a) the Association in a general meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representation in writing to the Association in the general meeting, confirm or set aside the decision of the Committee to expel that member; and
- (b) the member who gave that notice does not cease to be a member unless and until the decision of the Committee to expel him or her is confirmed under this subrule.

COMMITTEE OF MANAGEMENT

10. (1) The affairs of the Association shall be managed exclusively by a Committee of Management consisting of:

- (a) a Chairperson;
 - (b) a Deputy-Chairperson;
 - (c) a Secretary;
 - (d) a Treasurer;
 - (e) not less than four nor more than six other persons, all of whom shall be members of the Association elected to membership of that Committee at an Annual General Meeting or appointed under subrule (9).
- (2) At each Annual General Meeting, all office bearers cease to hold office after consideration of the accounts and reports, but shall be eligible for re-election to their office, save that the Chairperson may serve only for two consecutive years before being replaced. Former office bearers are eligible for election to the committee and a former chairperson is eligible to stand for re-election to that office after a year's break.
- (3) At the commencement of the first Annual General Meeting to be held after the incorporation of the Association under the Act:
- (a) if the Committee (other than office bearers) consists of an even number of members, half of that number, which half; or
 - (b) if the Committee (other than office bearers) consists of an odd number of members, the integral number of members nearest to, and exceeding half of that odd number, the members comprised in which integral number,
- shall be chosen by ballot, shall cease to be Committee members, but shall be eligible for re-election to membership of the Committee.
- (4) At the commencement of each successive Annual General Meeting after the general meeting referred to in subrule (2), those 4 (four) Committee members who have served for longer periods than the other Committee members shall cease to be Committee members, but shall be eligible for re-election to membership of the Committee.
- (5) Subject to subrule (6), a person is not eligible for election to membership of the Committee unless:

- (a) a member has nominated that member for election by delivering a notice in writing signed by –
 - (i) the nominator, and
 - (ii) the nominee to signify their willingness to stand for election,
 to the Secretary not less than 7 days before the day on which the annual general meeting concerned is to be held, or
 - (b) verbally from the floor of the meeting provided the nominee is present at that meeting.
- (6) Sub-rules (5) and (8) do not apply to or in relation to a person who is eligible for re-election under subrule (3) or (4).
- (7) A person who is eligible for election or re-election may at the annual general meeting concerned:
- (a) propose or second himself or herself for election or re-election, and
 - (b) vote for himself or herself.
- (8) The Secretary shall ensure that notice of all persons seeking election to membership of the Committee is given to all members when notice is given to those members of the calling of the annual general meeting at which that election is to be held.
- (9) if the number of persons nominated for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled;
- (i) the Secretary shall report accordingly to; and
 - (ii) the Chairperson shall declare those persons to be duly elected as members of the Committee to the Annual General Meeting concerned.
- (10) When a casual vacancy within the meaning of rule 14 occurs in the membership of the Committee:
- (a) the Committee may appoint a member to fill that vacancy; and
 - (b) a member appointed under this subrule shall:
 - (i) hold office until the commencement of; and
 - (ii) be eligible for election to membership of the Committee at, the next following Annual General Meeting.

CHAIRPERSON

- 11.** (1) Subject to this rule, the Chairperson shall preside at all general meetings and committee meetings.
- (2) In the event of the absence for more than ten minutes after the appointed commencement time for:
- (a) a general meeting of:
 - (i) the Chairperson, the Deputy-Chairperson, or

- (ii) both the Chairperson and the Deputy-Chairperson,
a member elected by the other members present at the general meeting;
or
- (b) a Committee meeting of:
 - (i) the Chairperson, the Deputy-Chairperson; or
 - (ii) both the Chairperson and the Deputy-Chairperson,a Committee member elected by the other Committee members present,
shall preside at the general meeting or Committee meeting, as the case requires.

SECRETARY

12. The Secretary shall:

- (a) coordinate the correspondence of the Association;
- (b) keep full and correct minutes of the proceedings of the Committee and of the Association;
- (c) comply on behalf of the Association with:
 - (i) section 53 of the *Act* in respect of the register of members of the Association
 - (ii) section 35 of the *Act* in respect of rules of the Association;
 - (iii) section 58 of the *Act* in respect of the record of the officeholders, and any trustees of the Association;
- (d) have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c), other than those required by rule 13 to be kept and maintained by, or in the custody of the Treasurer, and;
- (e) perform such other duties as are imposed by these rules on the Secretary.

TREASURER

13. The Treasurer shall:

- (a) be responsible for the receipt of all monies paid to or received by, or by him or her on behalf of the Association and shall issue receipts for those monies in the name of the Association;
- (b) pay all monies referred to in paragraph (a) into such account or accounts of the Association as the Committee may from time to time direct;
- (c) make payments from the funds of the Association with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by two Committee members;
- (d) comply on behalf of the Association with sections 66 and 67 of the *Act* in respect of the accounting records of the Association;

- (e) whenever directed to do so by the Chairperson, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
- (f) have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e); and
- (g) perform such other duties as are imposed by these rules on the Treasurer.

CASUAL VACANCIES IN MEMBERSHIP OF COMMITTEE

- 14.** A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member:
- (a) dies;
 - (b) resigns by notice in writing delivered to the Chairperson or if the committee person is the Chairperson, to the Deputy - Chairperson;
 - (c) is convicted of an offence under the *Act*;
 - (d) is permanently incapacitated by mental or physical ill-health;
 - (e) is absent from more than –
 - (i) any two consecutive Committee meetings without apology; or
 - (ii) three Committee meetings in the same financial year, of which he or she has received notice without tendering an apology to the person presiding at each of those Committee meetings, or
 - (f) ceases to be a member of the Association.

PROCEEDINGS OF THE COMMITTEE

- 15.(1)** The Committee shall meet together for the dispatch of business not less than four times per annum and the Chairperson may at any time convene a meeting of the Committee;
- (2) Each Committee member has a deliberative vote;
 - (3) A question arising at a Committee meeting shall be decided by a majority of votes, but, if there is an equality of votes, the person presiding at the Committee meeting shall have a casting vote in addition to his or her deliberative vote;
 - (4) At a Committee meeting, five Committee members constitute a quorum;
 - (5) Subject to these rules, the procedure and order of business to be followed at a Committee meeting shall be determined by the Committee members present at the meeting;
 - (6) A committee member having any direct or indirect pecuniary interest referred to in section 42 or 43 of the Act shall comply with that section.

GENERAL MEETINGS

- 16. (1)** The Committee;

- (a) may at any time convene a special general meeting;
 - (b) shall convene Annual General Meetings within the time limits provided for the holding of annual general meetings by section 50 of the Act; and
 - (c) shall within 30 days of;
 - (i) receiving a request in writing to do so from not less than 5 members, convene a special general meeting for the purpose specified in that request; or
 - (ii) the Secretary receiving a notice under rule 9(4), convene a special general meeting for the purpose of dealing with the appeal to which that notice relates.
- (2) The members making a request referred to in subrule (1) (c) (i) shall;
- (a) state in that request the purpose for which the special general meeting concerned is required; and
 - (b) sign that request.
- (3) The committee shall ensure that the members or member convening the special meeting are supplied free of charge with particulars of all members;
- (4) The Association shall pay the reasonable expenses of convening and holding the special general meeting.
- (5) Subject to subrule (8), the Secretary shall give to all members not less than 14 days notice of a general meeting and of any motions to be moved at the general meeting.
- (6) A notice given under subrule (5) shall specify:
- (a) when and where the general meeting concerned is to be held,
 - (b) pursuant to subrule 10(7), the Committee positions that are vacant and call for nominations to be submitted in writing to the Secretary 7 (seven) days prior to the date of the Annual General Meeting; and
 - (c) particulars of the business to be transacted at the general meeting concerned and or the order in which that business is to be transacted.
- (7) In the case of an annual general meeting, the order in which business is to be transacted is:
- (a) first, confirmation of the minutes of the previous annual general meeting;
 - (b) second, consideration of the accounts and reports of the Committee;
 - (c) third, the election of the Committee members to replace outgoing Committee members, and
 - (d) fourth, any other business requiring consideration by the Association in a general meeting.
- (8) The secretary shall give to all members not less than 21 days notice of a general meeting at which a special resolution is to be proposed and of any other motions to be moved at that general meeting.

- (9) The secretary may give a notice under subrule (5) or (8) by:
 - (a) serving it on a member personally;
 - (b) sending it by email to the email address notified to the Association by the member, or
 - (c) sending it by post to a member at the address of the member appearing in the register of members kept and maintained under section 53 of the Act
- (10) Where a notice is sent by post under subrule (9) (c) sending the notice shall be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.
- (11) If the Secretary receives notification from an internet service provider that a notice sent by email pursuant to subrule (9)(b) has not been delivered, the notice is deemed to have been properly effected on the date emailed if the Secretary sends it by post to the member at the address of the member appearing in the register of members kept and maintained under section 53 of the Act within 2 business days of receipt of the notification of non-delivery.

QUORUM AND PROCEEDINGS AT GENERAL MEETINGS

- 17. (1) At a general meeting 10 members or one-third of the total membership, whichever is the least, present in person constitute a quorum;
- (2) If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 16 (5) or (8);
 - (a) as a result of a request or notice referred to in rule 16(1) (c) or as a result of action taken under rule 16 (3) a quorum is not present, the general meeting lapses; or
 - (b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- (3) The Chairperson may, with the consent of a general meeting at which a quorum is present, and shall, if so directed by such a general meeting, adjourn that meeting from time to time and from place to place.
- (4) There shall not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (5) When a general meeting is adjourned for a period of 30 (thirty) days or more, the Secretary shall give notice under rule 16 of the adjourned general meeting as if that general meeting was a fresh general meeting.
- (6) At a general meeting:
 - (a) an ordinary resolution put to the vote shall be decided by a majority of votes cast on a show of hands; and
 - (b) a special resolution put to the vote shall be decided in accordance with section 51 of the Act.

- (7) A declaration by the Chairperson at a general meeting that a resolution has been passed as an ordinary resolution thereat shall be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with subrule (9).
- (8) At a general meeting, a poll may be demanded by the Chairperson at the general meeting or by three or more members present in person or by proxy and, if so demanded, shall be taken in such manner as the Chairperson directs.
- (9) If a poll is demanded and taken under subrule (9) in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.
- (10) A poll demanded under subrule (9) on the election of a person to preside over a general meeting or on the question of an adjournment shall be taken forthwith on that demand being made.

MINUTES OF MEETINGS OF THE ASSOCIATION

18. (1) The secretary shall cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept for that purpose.
 - (2) The Chairperson shall ensure that the minutes taken of a general meeting or Committee meeting under subrule (1) are checked and signed as correct by the Chairperson of the general meeting or Committee meeting to which those minutes relate, or of the next succeeding general meeting, as the case requires.
 - (3) When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved, be evidence that:
 - (a) the general meeting or Committee meeting to which they relate (in this subrule called "the meeting") was duly convened and held:
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place thereat and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

VOTING RIGHTS OF MEMBERS OF THE ASSOCIATION

19. (1) Subject to these rules, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.
 - (2) A member who is a body corporate may appoint in writing a natural person, whether or not he or she is a member, to represent it at a particular meeting or at all general meetings.
 - (3) An appointment made under subrule (2) shall be so made by a resolution of the board or other governing body of the body corporate concerned:

- (a) which resolution is authenticated under the common seal of that body corporate, and
 - (b) a copy of which resolution is lodged with the Secretary
- (4) A person appointed under subrule (2) to represent a member which is a body corporate shall be deemed for all purposes to be a member until that appointment is revoked by the body corporate or, in the case of an appointment in respect to a particular general meeting, which appointment is so not revoked, the conclusion of that general meeting.

PROXIES OF MEMBERS OF ASSOCIATION

20. A member (in this rule called “the appointing member”) may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend and vote on behalf of the appointing member at any general meeting.

RULES OF ASSOCIATION

21. (1) The Association may alter or rescind these rules or make the rules additional to these rules, in accordance with the procedure set out in sections 30 to 34 of the *Act*.
- (2) These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

COMMON SEAL OF THE ASSOCIATION

22. (1) The Association shall have a common seal on which its corporate name shall appear in legible characters.
- (2) The common seal of the Association shall not be used without the express authority of the Committee and every use of that common seal shall be recorded in the minute book referred to in rule 18.
- (3) The affixing of the common seal of the Association shall be witnessed by any two of the Chairperson, the Secretary and the Treasurer.
- (4) The common seal of the Association shall be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

INSPECTION OF RECORDS OF THE ASSOCIATION

23. A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF THE ASSOCIATION

24. If, on the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property must only be distributed to one or more of the following;
- (i) an incorporated association under the Act;
 - (ii) a body corporate that at the time of the distribution is the holder of a licence under the charitable collections legislation in Western Australia;

- (iii) a company limited by guarantee that is registered as mentioned in section 150 of the *Corporations Act 2001 (Cwth)*;
- (iv) a company holding a licence that continues in force under section 151 of the *Corporations Act 2001(Cwth)*;
- (v) a body corporate that:
 - A.is a Member or former member of the Association; and
 - B.at the time of the property is distributed, has rules that prevent the property being distributed to its members;
- (vi) a trustee for a body corporate referred to in rule 29(c)(v); or
- (vii) a co-operative registered under the *Co-operatives Act 2009* that, at the time of the distribution, is a non-distributing co-operative as defined in that Act.

REMUNERATION OF COMMITTEE MEMBERS

- 25 (a) The Association may pay a Committee Member's travelling and other expenses as properly incurred:
- (i) in attending Committee Meetings or sub-committee meetings;
 - (ii) in attending any General Meetings of the Association; and
 - (iii) in connection with the Association's business.
- (b) Committee Members must not receive any remuneration for their services as Committee Members other than as described at rule 25(a).

DISPUTES ARISING UNDER THE RULES

- 26(1) (a) Determination by Committee - This rule applies to:
- (i) Disputes between Members; and
 - (ii) Disputes between the Association and one or more Members that arise under the rules or relate to the rules of the Association.
- (b) In this rule "Member" includes any former Member whose membership ceased not more than six months before the dispute occurred.
- (c) The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
- (d) If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Secretary of the parties to, and details of, the dispute.
- (e) The Secretary must convene a Committee Meeting within 28 days after the Secretary receives notice of the dispute under rule 28.1(d) for the Committee to determine the dispute.
- (f) At the Committee Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.
- (g) The Secretary must inform the parties to the dispute of the Committee's decision and the reasons for the decision within 7 days after the Committee Meeting referred to in rule 28.1(e).

(h) If any party to the dispute is dissatisfied with the decision of the Committee they may elect to initiate further dispute resolution procedures as set out in the Rules.

26.(2) (a) Mediation - This rule applies:

(i) where a person is dissatisfied with a decision made by the Committee under rule 26(1); or

(ii) where a dispute arises between a Member or more than one Member and the Association and any party to the dispute elects not to have the matter determined by the Committee.

(b) Where the dispute relates to a proposal for the suspension or expulsion of a Member this rule does not apply until the procedure under rule 7.3 in respect of the proposed suspension or expulsion has been completed.

(c) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 28.1(c), or a party to the dispute is dissatisfied with a decision made by the Committee under rule 28.1(g) a party to a dispute may:

(i) Provide written notice to the Secretary of the parties to, and the details of, the dispute;

(ii) Agree to, or request the appointment of, a mediator.

(d) The party, or parties requesting the mediation must pay the costs of the mediation.

(e) The mediator must be:

(i) a person chosen by agreement between the parties; or

(ii) in the absence of agreement:

A. if the dispute is between a Member and another Member – a person appointed by the Committee; or

B. if the dispute is between a Member or more than one Member and the Association, the Committee or a Committee Member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.

(f) A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.

(g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(h) The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.

(i) The mediator, in conducting the mediation, must:

(i) give the parties to the mediation process every opportunity to be heard;

(ii) allow all parties to consider any written statement submitted by any party; and

(iii) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

- (j) The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

26.(3) Mediation - Inability to Resolve Disputes

If a dispute cannot be resolved under the procedures set out in the Rules, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.