

MANDURAH PHOTOGRAPHY CLUB INC
ASSOCIATIONS RULES

Name of Association

1. The name of the Association is MANDURAH PHOTOGRAPHY CLUB (INC)

2. Definitions

Terms used

In these rules, unless the contrary intention appears —

Act means the *Associations Incorporation Act 2015*;

A member means a person registered under rule 7 and who has not ceased to become a member under rule 10.

Annual General Meeting” is the meeting convened under 23.

Association means the incorporated association to which these rules apply;

books, of the Association, includes the following —

- (a) a register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

by laws means by-laws made by the Association under rule 17.

President means the Committee member holding office as the President of the Association;

Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act;

committee means the management committee of the Association;

committee meeting means a meeting of the committee;

committee member means a member of the committee;

financial records includes —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain the methods by which financial statements are prepared; and
- (d) adjustments to be made in preparing financial statements;

Each subsequent financial year of the Association is the period of 12 months commencing at the termination of the first financial year or the anniversary of that termination.

general meeting of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend;

member means a person who is a person who is an ordinary member, Life member, Junior member and a person who has not ceased to be a member under rule 11.

ordinary committee member means a committee member who is not an office holder of the Association under rule 15.

register of members means the register of members referred to in section 53 of the Act;

rules means these rules of the Association, as in force for the time being;

secretary means the committee member holding office as the secretary of the Association;

special general meeting means a general meeting of the Association other than the annual general meeting;

special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

subcommittee means a subcommittee appointed by the committee under rule 15(1).

treasurer means the committee member holding office as the treasurer of the Association.

3. Objects of Association

- (1) The objects of the club shall be:
 - (a) To encourage and promote the art of photography amongst its members.
 - (b) To hold regular meetings for the conduct of lectures and workshops to teach and improve the photographic abilities of its members.
 - (c) To encourage communication between clubs with kindred interests.
 - (d) To organise social events to promote the objects of the association and to raise funds to enable the association to meet its obligation.

- (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.
- (3) A payment may be made to a member out of the funds of the Association only if it is authorised under sub rule (4).
- (4) A payment to a member out of the funds of the Association is authorised if it is —
 - (a) the payment in good faith to the member as reasonable remuneration for and services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
 - (b) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
 he reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

4. Financial Year

means a period not exceeding 15 months fixed by the committee, being a period commencing on the date of incorporation of the Association and ending on the following 31 December; and thereafter each period commencing 1 January, and ending on the following 31 December.

5. Membership

Membership of the Association is open to:

- (a) **Ordinary Members** Members who are entitled to exercise every privilege open to membership of the club.
- (b) **Life Members** Members who have rendered special services to the club and who have been recommended for Life Membership by a resolution passed at a Management Committee meeting and elected by a resolution passed at the next following General Meeting, provided that no more than one such Life Member shall be elected in any financial year. The so elected Life Member shall be entitled to exercise every privilege open to membership of the club and be exempt from payment of the annual subscription.
- (c) **Junior Members** Members whose ages are under eighteen years and who shall be entitled to exercise every privilege open to membership of the club, but who shall have no voting rights.

6. Eligibility for membership

- (1) Any person who supports the objects or purposes of the Association is eligible to apply to become a member.
- (2) An individual who has not reached the age of 16 years is not eligible to apply for a class of membership that confers full voting rights.

7. Applying for membership

- (1) A person who wants to become a member must apply in writing to the Association.
- (2) The application must include a member's nomination of the applicant for membership.
- (3) The application must be signed by the applicant and the member nominating the applicant.
- (4) The applicant must specify in the application the class of membership, if there is more than one, to which the application relates.

8. Dealing with membership applications

- (1) The committee must consider each application for membership of the Association and decide whether to accept or reject the application.
- (2) Subject to subrule (3), the committee must consider applications in the order in which they are received by the Association.
- (3) The committee may delay its consideration of an application if the committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (4) The committee must not accept an application unless the applicant -
 - (a) is eligible under rule 5; and
 - (b) has applied under rule 6.
- (5) The committee may reject an application even if the applicant
 - (a) is eligible under rule 5; and
 - (b) has applied under rule 6.
- (6) The committee must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision

- (7) If the committee rejects the application, the committee is not required to give the applicant its reasons for doing so.

9. Becoming a member

An applicant for membership of the Association becomes a member when —

- (a) the committee accepts the application; and
- (b) the applicant pays any membership fees payable to the Association under rule 13.

10. Register of Members of Association

- a. The Secretary shall on behalf of the Association keep and maintain an up to date register of members in accordance with section 53 of the Act* and that register shall be so kept and maintained at his or her place of residence.
- b. The Secretary shall cause the name of a person who dies or who ceases to be a member under the club rules to be deleted from the register of members referred to in subrule (a).

11. When membership ceases

- (1) A person ceases to be a member when any of the following takes place —
 - (a) for a member who is an individual, the individual dies;
 - (b) the person resigns from the Association under rule 12;
 - (c) the person is expelled from the Association under rule 33.2;
 - (d) the person ceases to be a member under rule 33.2.
- (1) The secretary must keep a record, for at least one year after a person ceases to be member,
 - (a) the date on which the person ceased to be a member; and
 - (b) the reason why the person ceased to be a member.

12. Resignation of Members of Associations

- a. A member who delivers notice in writing of his or her resignation from the Association to the Secretary or another Committee membership ceases on that delivery to be a member.
- b. A person who ceases to be a member under subrule (a) remains liable to pay to the Association the amount of any subscription due and payable by that person to the Association but unpaid at the date of that cessation.
- c. If a later time is stated in the notice, at that later time.

13. Membership fees (Subscription of Members of Association)

- a. Members shall pay subscriptions and entrance fees as determined at the Annual General Meeting.
- b. Junior Members shall pay 40% of the ordinary membership subscription or as determined at the Annual General Meeting.
- c. The Management Committee has the power to reduce the membership fees in special circumstances.
- d. Fees must be paid in full not later than three ordinary club meetings after the Annual General Meeting.
- e. Only financial members shall have the privileges of membership and the right to vote in accordance with rule (7).
- f. New members joining after the 31st July in a given year shall pay a monthly pro-rata subscription.

14. Rights not transferable

The rights of a member are not transferable and end when membership ceases.

15. Committee of Management

(1) The affairs of the association shall be managed exclusively by a committee of management consisting of:

- a. President;
- b. Vice President;
- c. Secretary;
- d. Treasurer;
- e. Competition Director;
- f. and not less than four other;

all of which must be members of the Associations and elected to membership of that committee at the Annual General Meeting or appointed under any specially convened meeting.

(2) Subject to the act, these rules, the by laws, and any resolution passed at an general meeting, the committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Association.

(3) The committee must take all reasonable steps to ensure that the Association complies with the act, these rules and the bylaws.

(4) The committee of members are the persons who, as the management committee of the Association, have the power to manage the affairs of the Association.

16. When membership of committee ceases.

A person ceases to be a committee member if the person —

- (a) dies or otherwise ceases to be a member; or
- (b) resigns from the committee or is removed from office under rule 33.2; or
- (c) becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act;
- (d) becomes permanently unable to act as a committee member because of a mental or physical disability; or
- (e) fails to attend 3 consecutive Committee meetings, of which the person has been given notice, without having notified the Committee that the person will be unable to attend.

17. Duties of Management Committee

The Management Committee shall-

- a. Discipline, suspend or expel members in a manner consistent with these rules;
- b. purchase equipment, books and publications for the use of the membership;
- c. submit reports to the Annual General Meetings of their actions;
- d. prepare programmes, lectures and guest speakers and advise the membership by regular bulletins and newsletters;
- e. manage the affairs of the club in accordance with these rules;.

18. President and Vice President

1. Subject to this rule, the President shall preside at all general meetings and Committee meetings.

2. In the event of the absence from -

- a. a General meeting of-
 - i. the President, the Vice President; or
 - ii. both the President and the Vice President, a member elected by the other members present at the general meeting;

or

- b. a Committee meeting of –
- i. the President, the Vice President; or
 - iii. both the President and the Vice President, a Committee member elected by the other Committee members present, shall preside at the General meeting or Committee meeting, as the case requires.
- shall preside at the General meeting or committee members, as the case requires.
- c. It is the duty of the Chairperson to consult with the secretary regarding the business to be conducted at each committee and general meeting.

19. Secretary

The Secretary shall-

- (a) perform such other duties as are imposed by these rules on the Secretary.
- (b) consult with the Chairperson regarding business to be conducted at each committee and general meeting.
- (c) keep full and correct minutes of the proceedings of the Committee and of the Association;
- (d) maintain a record of:
 - the names and addresses of any persons who are members of its management committee or hold other offices of the association provided by its rules.
 - the name and address of any person who is authorised to use the common seal of the association (if any)
 - the name and address of any person who is appointed or acts as trustee on behalf of the association.
- (e) unless another member is authorised by the committee to do so, maintaining on behalf of the Association the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
- (f) unless another member is authorised by the committee to do so, maintaining on behalf of the Association a record of committee members and other persons authorised to act on behalf of the Association, as required under section 58(2) of the Act
- (g) as required under section 35(1) of the Act;
- (h) ensuring the safe custody of the books of the Association, other than the financial maintaining on behalf of the Association an up-to-date copy of these rules, as records, financial statements and financial reports, as applicable to the Association;

- (i) maintaining full and accurate minutes of committee meetings and general meetings;
- (j) carrying out any other duty given to the secretary under these rules or by the committee.
- (k) comply with section 36(1)(b) of the Act and provide a copy of the rules in force at the time of their membership.

20. Treasurer

The treasurer has the following duties

- (a) ensuring that any amounts payable to the Association are collected and issuing receipts for those amounts in the Association's name;
- (b) ensuring that any amounts paid to the Association are credited to the appropriate account of the Association, as directed by the committee;
- (c) ensuring that any payments to be made by the Association that have been authorised by the committee or at a general meeting are made on time;
- (d) ensuring that the Association complies with the relevant requirements of Part 5 of the Act;
- (e) ensuring the safe custody of the Association's financial records, financial statements and financial reports, as applicable to the Association;
- (f) coordinating the preparation of the Association's financial statements before their submission to the Association's annual general meeting;
- (g) providing any assistance required by an auditor or reviewer conducting an audit or review of the Association's financial statements or financial report under Part 5 Division 5 of the Act;
- (h) carrying out any other duty given to the treasurer under these rules or by the committee.

21. Casual Vacancies in Membership of Committee

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 President or, if the Committee member is the President, to the Vice President;

- c. is ineligible under section 39 of the act.
- d. is permanently incapacitated by mental or physical ill-health;
- e. is absent from more than -
 - i. 3 consecutive committee meetings without leave of absence; or
 - ii. 3 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.

22. Proceedings of Committee

- a. The Committee shall meet together for the despatch of business not less than once in each quarter and the President may at any time convene a meeting of the Committee.
- b. Each committee member has a deliberative vote.
- c. 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.
- d. At a Committee meeting four (4) committee members constitute a quorum.
- e. 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 committee meeting.
- f. A committee member having any direct or indirect pecuniary interest referred to in section 43 of the Act* shall comply with that section.
- g. Record at the meeting any disclosure made by a committee member of a material personal interest in the minutes of the committee at which the disclosure was made.

23. General Meetings

- a. The Annual General Meeting shall be held within four months after the end of the Club's financial year and the Secretary shall, not less than twenty eight days preceding this meeting, send a Notice of Annual General Meeting in writing to each financial member of the Club.
- b. This notice shall advise of the venue, the date and the time of the meeting and the business to be conducted.
- c. The business of the Annual General Meeting shall include:-
 - i. Reports by the officers of the club.
 - ii. Presentation of the audited financial accounts.

- iii Setting of the annual subscription
- iv. Notices of motion.
- v. Elections of officers and committee members.
- vi. Appointment of the auditor.
- vii. General business.
- d. Notices of motion on any proposed resolution shall be sent to the Secretary in writing not later than thirty five days preceding the Annual General Meeting.
- e. The quorum at an Annual General Meeting shall be 25 percent of the current financial membership with voting rights and in the event of there being no quorum, the President or the Senior Officer if the President is absent shall adjourn the meeting to a place and time as is deemed fit.
- f. Only financial ordinary members and life members present in person or by proxy shall be entitled to vote.
- g. The majority necessary to carry a resolution at a General Meeting shall be a simple majority of those present with voting rights in accordance with the rules of this Association.
- h. The person chairing the meeting shall have a casting vote.

24. Special General Meetings

- a. Upon authority given by the Management Committee or by a requisition presented and signed by at least ten members, stating the subject or subjects intended to be discussed, the Secretary shall call a Special General Meeting of the club, in the manner as is provided for calling the Annual General Meeting.
- b. Only the subject matter shall be discussed at the meeting called for this purpose.
- c. The quorum for a Special General Meeting shall be 25 per cent of the current financial membership with voting rights.
- d. a resolution is a special resolution if it is passed -
 - (a) at a general meeting of an incorporated association; and
 - (b) by the votes of not less than three-fourths of the members of the association who cast a vote at the meeting.

25. Proxies

- (1) Subject to subrule (2), an ordinary member may appoint an individual who is an ordinary member as his or her proxy to vote and speak on his or her behalf at a general meeting.
- (2) An ordinary member may be appointed the proxy for not more than 5 other members.
- (3) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (4) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf.
- (5) If no instructions are given to the proxy, the proxy may vote on behalf of the member in any matter as the proxy sees fit.
- (6) If the committee has approved a form for the appointment of a proxy, the member may use that form or any other form —
 - (a) that clearly identifies the person appointed as the member's proxy; and
 - (b) that has been signed by the member.
- (7) Notice of a general meeting given to an ordinary member under rule 52 must —
 - (a) state that the member may appoint an individual who is an ordinary member as a proxy for the meeting; and
 - (b) include a copy of any form that the committee has approved for the appointment of a proxy.
- (8) A form appointing a proxy must be given to the secretary before the commencement of the general meeting for which the proxy is appointed.
- (9) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association not later than 24 hours before the commencement of the meeting.

26. Minutes of Meeting of Association

- a. 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 for that purpose.
- b. The President shall ensure that the minutes taken of a general meeting or committee meeting under subrule (a) are checked and signed as correct by the President of the general meeting or committee meeting to which those minutes relate or of the next succeeding general meeting or Committee meeting, as the case requires.

c. When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved, be evidence that –

- i. the general meeting or committee meeting to which they relate (in this subrule called "the meeting") was duly convened and held;
- ii. all proceedings recorded as having taken place at the meeting did in fact take place thereat; and
- iii. all appointments or elections purporting to have been made at the meeting have been validly made.

27. Change of the Constitution and Rules

This Constitution may only be altered or replaced, or a new Constitution may be made, by a Notice of Motion to an Annual General Meeting or a Special General Meeting called for this purpose, in accordance with procedure set out in sections 17 & 18 of the Act*. A majority of 75 percent of the members entitled to vote and present at the meeting shall be required to carry the special resolution.

28. Dissolution

On application of not less than 75 percent of the total financial membership entitled to vote the club may be dissolved or wound up by a special resolution at a General Meeting or at a Special General Meeting called for such purpose. At such a meeting a three quarters majority of the members present and entitled to vote shall be necessary to carry the proposal for dissolution.

If upon the windup or dissolution of the Association there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another association incorporated under the Act which has similar Objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.

29. Election of Office Bearers

a. The club's Management Committee shall have a President, Vice President, Secretary, Treasurer and not less than four other officers who shall be elected at the Annual General Meeting and who shall hold that office until their successors are duly appointed.

b. The President shall not hold that office for more than five consecutive years and shall upon retirement from that office become the immediate Past President.

c. Nominations for the office bearers shall be:

- i. in writing before the start of the Annual General Meeting, bearing the name of the nominee, the nominated office, duly signed indicating acceptance of the nomination and the names of the nominator and his seconder, or

- ii. called from financial members entitled to vote and present at the Annual General Meeting.
- d. If only one nomination is received for any office, the so nominated member shall be declared duly elected.
- e. If more than one nomination is received for any office, the election shall be decided by secret ballot.
- f. In the event of vacancies occurring between Annual General Meetings, the Management Committee shall have the power to select another member to fill such vacancy.
- g. If any Management Committee member shall fail to attend three consecutive meetings without leave of absence, the seat shall be declared vacant and another member appointed in accordance with clause (f) of this rule. The member so replaced shall be notified in writing of this action.

30. Inspection of records of Association

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

31. Disciplinary Action, Disputes and Mediation

Disciplinary Action

31.1. Term used

member, in relation to a member who is expelled from the association, includes a former member.

31.2. Suspension or expulsion

- (1) The committee may decide to suspend a member's membership or to expel a member from the Association if —
 - (a) the member contravenes any of these rules; or
 - (b) the member acts detrimentally to the interests of the Association.
- (2) The secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.
- (3) The notice given to the member must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion;

- (4) At the committee meeting, the committee must —
 - (a) give the member, or the member’s representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
 - (b) give due consideration to any submissions so made; and
 - (c) decide —
 - (i) whether or not to suspend the member’s membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Association.
- (5) A decision of the committee to suspend the member’s membership or to expel the member from the Association takes immediate effect.
- (6) The committee must give the member written notice of the committee’s decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving notice of the Committee’s decision under subrule (6), give written notice to the secretary requesting the appointment of a mediator under rule 23.
- (8) If notice is given under subrule (7), the member who gives the notice and the committee are the parties to the mediation.

31.3. Consequences of suspension

- (1) During the period a member’s membership is suspended, the member —
 - (a) loses any rights (including voting rights) arising as a result of membership; and
 - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.
- (2) When a member’s membership is suspended, the secretary must record in the register of members —
 - (a) that the member’s membership is suspended; and
 - (b) the date on which the suspension takes effect; and
 - (c) the period of the suspension.
- (3) When the period of the suspension ends, the secretary must record in the register of members that the member’s membership is no longer suspended.

Resolving Disputes

31.4 Terms used

grievance procedure means the procedures set out in this Division;

party to a dispute includes a person –

- (a) who is a party to the dispute; and
- (b) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

31.5 Application of Division

The procedure set out in this Division (the grievance procedure) applies to disputes —

- (a) between members; or
- (b) between one or more members and the Association.

31.6 Parties to attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

31.7. How grievance procedure is started

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 33.6, any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
 - (a) the parties to the dispute; and
 - (b) the matters that are the subject of the dispute.
- (2) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
- (3) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (4) The notice given to each party to the dispute must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
- (5) If —
 - (a) the dispute is between one or more members and the Association; and
 - (b) any party to the dispute gives written notice to the secretary stating that the party —

- (i) does not agree to the dispute being determined by the committee; and
- (ii) requests the appointment of a mediator under rule 31.10,

the committee must not determine the dispute.

31.8. Determination of dispute by committee

- (1) At the committee meeting at which a dispute is to be considered and determined, the committee must —
 - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
 - (b) give due consideration to any submissions so made; and
 - (c) determine the dispute.
- (2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- (3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under subrule (1)(c), give written notice to the secretary requesting the appointment of a mediator under rule ???.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

MEDIATION

31.9 Application of Division

- (1) This Division applies if written notice has been given to the secretary requesting the appointment of a mediator —
 - (a) by a member under rule 15(7); or
 - (b) by a party to a dispute under rule 20(5)(b)(ii) or 21(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 33.10.

31.10. Appointment of mediator

- (1) The mediator must be a person chosen —
 - (a) if the appointment of a mediator was requested by a member under rule 33.2(7) — by agreement between the Member and the committee; or
 - (b) if the appointment of a mediator was requested by a party to a dispute under rule 20(5)(b)(ii) or 21(3) — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of subrule (1)(a) or (b), then, subject to subrules (3) and (4), the committee must appoint the mediator.

- (3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by —
 - (a) a member under rule 33.2(7); or
 - (b) a party to a dispute under rule 33.8(5)(b)(ii); or
 - (c) a party to a dispute under rule 33.8(3) and the dispute is between one or more members and the Association.
- (4) The person appointed as mediator by the committee may be a member or former member of the Association but must not —
 - (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

31.11. Mediation process

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must —
 - (a) give each party to the mediation every opportunity to be heard; and
 - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

31.12. If mediation results in decision to suspend or expel being revoked

If —

- (a) mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 15(7); and

(b) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

that revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.