

**WAGIN COMMUNITY RESOURCE
CENTRE (Inc.)**

Constitution and Rules of Management

CONSTITUTION OF THE WAGIN COMMUNITY RESOURCE CENTRE

1. NAME

The name of the Association is WAGIN COMMUNITY RESOURCE CENTRE (Inc) herein after referred to as the “Association”.

2. DEFINITIONS

In these rules, unless the contrary intention appears –

“the Association” means the Association referred to in Rule 1;

“Committee member” means person referred to in Rules 9.1.1-6;

“the Committee” means the Committee of Management of the Association referred to in Rule 9;

“the Vice-Chairperson” means the Vice-Chairperson of the Association referred in Rule 9.1.2;

“the Secretary” means the Secretary referred to in Rule 9.1.3;

“the Executive Secretary” deemed to be Coordinator of Wagin Community Resource Centre Inc, with no voting rights;

“the Treasurer” means the Treasurer referred to in Rule 9.1.4;

“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 9 or, if that person is unable to perform his or her functions, the Vice-Chairperson.

“Committee meeting” means meeting referred to in Rule 14.1;

“General meeting” means meeting convened under Rule 15;

“Special Resolution” has the meaning given by section 24 of the Act

“member” means a financial member of the Association;

“the Act” means the *Associations Incorporated Act 1987*.

3. OBJECTIVES

The objects of the Association are-

- 3.1 To provide access to services and information that support capacity building within the community located in the Shire of Wagin and Surrounding districts.
- 3.2 To provide access to services and information to address issues of disadvantage within the community including but not limited to poverty, health, isolation, and unemployment.
- 3.3 To obtain funds from donations, grants, and other sources.
- 3.4 To ensure the Association is effective and remains a community based and owned facility.
- 3.5 To solely apply the property and income of the Association towards the promotion of the objectives 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 objectives.
- 3.6 To develop partnerships and business opportunities relevant to the needs of the community
- 3.7 To work with stakeholders, other Community Resource Centres, and all tiers of government to increase the profile of the WA Community Resource Network.
- 3.8 To provide local opportunity for access and training, using advanced technologies and other medium for education, business, and cultural development.

POWERS OF THE ASSOCIATION

- 4.1 To purchase, take on, lease or in exchange, hire to otherwise legally acquire and maintain any real or personal property and any rights and privileges in relation thereto.
- 4.2 To sell, exchange, lease mortgage, dispose of, turn to account or otherwise deal with all or part of the real and personal property of the Association.
- 4.3 To raise any monies required for the objectives and purposes of the Association in such a manner as may from time to time be determined.
- 4.4 To invest and deal with the monies of the Association (not immediately required for the purpose of the Association) in such a manner as may from time to time be determined.
- 4.5 To open any accounts(s) with any financial institution(s) and to operate by all and in all usual ways, any such account(s).

- 4.6 To appoint, employ and pay any staff as required. The Committee has the power to dismiss staff members subject to normal industrial conditions.
- 4.7 To do all such other things as are incidental or conducive to the attainment of its objectives.
- 4.8 To amalgamate, co-operate, affiliate and enter into reciprocal arrangements with any other group or association which has objectives wholly or in part similar to those of the Association.
- 4.9 To co-opt people of relevant skill on to the Committee when necessary. Any person co-opted shall have no voting rights.

4. MEMBERSHIP

- 5.1.1 Membership shall be open to any person who wishes to further the objectives and interests of the Association.
- 5.1.2 Any business interested in utilising the organisation for business services.
- 5.2 Any person mentioned under sub-rule 1 who wishes to become a member shall apply for membership in such form as the Committee from time to time directs.
- 5.3 Each person admitted to membership shall be;
 - 5.3.1 bound by the Constitution and By-laws of the Association.
 - 5.3.2 come liable for such fees and subscriptions as may be fixed by the Association;
 - 5.3.3 entitled to all the advantages and privileges of membership.
- 5.4 Membership categories;
 - 5.4.1 Ordinary member – all adult members of the Association are of equal status and any person who is a member of the Association is entitled to hold office and enjoy privileges of the Association.
 - 5.4.2 Junior member – any person under the age of 18 years may become a Junior member and shall have no voting rights and shall not hold any office.
 - 5.4.3 Family membership – comprising a maximum of 2 adults assuming ordinary membership and their dependent children under the age of 18 years who will assume Junior membership status.
 - 5.4.4 Senior member – any adult who is the holder of a current seniors card will assume the status of an ordinary member.

5.4.5 Corporate – Any business, club or organisation using the Association for activities related to that business, club or Organisation.

5.5 A member may at any reasonable time, inspect without charge, the Books, Documents, Records and Securities of the Association.

5. REGISTER OF MEMBERS

6.1 The Secretary shall on behalf of the Association keep and maintain the register of members, at the associations office, in accordance with section 27 of the Act. by keeping and maintaining- in an up to date condition a register of the members of the Association and their postal or residential addresses and, upon the request of a member of the Association, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

6.2 The Secretary shall cause the name of a person who dies or who ceases to be a member under Rule 7.3 or 8.1 to be deleted from the register of members as referred to in sub-rule 1.

6. SUBSCRIPTION OF MEMBERS

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.

7.2 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 sub-rule 1.

7.3 Subject to sub-rule 4, a member whose subscription is not paid within 3 months after the relevant date fixed by or under sub-rule 2 ceases on the expiry of that period to be a member, unless the Committee decides otherwise.

7.4 A member is a financial member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub-rule 2 or within 3 months thereafter.

7. TERMINATION OF MEMBERSHIP

8.1 Any person's membership may be terminated by the following events;

8.1.1 Resignation

8.1.2 False or inaccurate statements made in the member's application for membership of the Association, breach of any rule, regulation or by-law of the Association or commit any act detrimental to the Association.

- 8.2 The Management Committee shall have the power to suspend or expel any member of the Association for any of the events under sub-rule 1.
- 8.3 Any member who is expelled, suspended or has their membership terminated shall have the right to appeal against their suspension or expulsion by presenting their case to a General meeting called for such purpose, and the decision of the General meeting shall be final.

8. MANAGEMENT COMMITTEE

- 9.1 The affairs of the Association shall be managed exclusively by a Committee of Management elected by the members at the Annual General Meeting and consisting of;
- 9.1.1 a Chairperson
 - 9.1.2 a Vice-Chairperson
 - 9.1.3 a Secretary/ Executive Secretary
 - 9.1.4 a Treasurer
 - 9.1.5 a representative from the Wagin Shire
 - 9.1.6 not less than 2 other persons
- all of whom shall be members of the Association elected to membership of the Committee at an Annual General Meeting or having been invited to join the Committee by the Management Committee under Rule 4.9 or a representative from the Shire Council.
- 9.2 A Committee member's term will be from his or her election at an annual general meeting until the next annual general meeting after his or her election, but he or she is eligible for re-election to membership of the Committee.
- 9.3 A person who is eligible for election or re-election under this rule may-
- (a) propose or second himself or herself for election or re-election: and
 - (b) vote for himself or herself
- 9.4 If the number of persons nominated in accordance with sub rule (9.3) for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled-
- (a) the Secretary must report accordingly to; and

(b) the Chairperson must declare those persons to be duly elected as members of the Committee at the annual general meeting concerned.

9.5 If Vacancies remain on the Committee after the declaration under sub-rule (9.4), or when a casual vacancy within the meaning of rule 9.6 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 sub-rule will-

(i) hold office until the election referred to in sub-rule (9.2);

(ii) be eligible for election to membership of the Committee, at the next following annual general meeting.

9.6 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 member is the Chairperson, to the Vice-Chairperson and that resignation is accepted by resolution of the Committee;

(c) is convicted of an offence under the Act;

(d) is permanently incapacitated by mental or physical ill health

(e) ceases to be a member of the Association; or

(f) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

9. POWERS OF THE COMMITTEE

10.1 Administer the finances, appoint bankers and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another and to close any such account.

10.2 Fix the manner in which such banking accounts shall be operated upon, providing all payments are passed by the Committee, excepting the provisions made under Rule 17.2.

10.3 Fix fees and subscriptions payable by members and other users of the Association's resources and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof.

- 10.4 Adjudicate on all matters brought before it which in any way affect the Association.
- 10.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members.
- 10.6 Make, amend and rescind rulings and by-laws.
- 10.7 Have the power to form and appoint any sub-committee(s) as required for specific purposes.
- 10.8 May at their discretion employ a person or persons to carry out certain duties required by the Association at salaries and remunerations for such period of time as may be deemed necessary. Any person so employed shall have no voting rights.

10. CHAIRPERSON and Vice-Chairperson

- 11.1 The Chairperson or Vice-Chairperson shall preside at all General meetings and Committee meetings. In the event of the absence of the Chairperson and Vice-Chairperson from a meeting, a member elected by the other members present at the meeting, shall preside at that meeting.

11. SECRETARY

12.1 The Executive Secretary shall be responsible for;

12.1.1 co-ordinating the correspondence of the Association;

12.1.2 complying on behalf of the Association with; section 27 of the Act in respect of the register of members of the Association as referred to in rule 6; section 28 of the Act by keeping and maintaining in an up to date condition the rules of the Association and, upon the request of a member of the Association, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and section 29 of the Act in respect of keeping and maintaining in an up to date condition the;

(A) the names and residential or postal addresses of the persons who hold the offices of the Association provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the common seal of the Association under rule 17; and

(B) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Association, and the Secretary must, upon the request of a member of the Association, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;

- 12.1.3 having custody of all books, documents, records and registers of the Association, including those referred in paragraph 12.1.2, other than those required by Rule 13 to be kept and maintained by or in the custody of the Treasurer; and
- 12.1.4 Keeping full and correct minutes of the proceeding of the Committee and the Association
- 12.1.5 performing such other duties as are imposed by these rules on the Secretary.

12. TREASURER

13.1 The Treasurer shall be responsible for;

- 13.1.1 the receipt of all moneys paid to or received by, or by him or her on behalf of, the Association and shall issue receipts for those moneys in the name of the Association;
- 13.1.2 paying all moneys referred to in paragraph 13.1.1 into such account or accounts of the Association as the Committee may from time to time direct;
- 13.1.3 making payments from the funds of the Association with the authority of a General meeting or the Committee, as provided in Rule 16.2, and in so doing ensure that all cheques or electronic funds transfers are endorsed by one signatory other than himself or herself.
- 13.1.4 complying on behalf of the Association with sections 25 and 26 of the Act in respect of the accounting records of the Association;
 - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - (ii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;

(iii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and

(iv) submitting to members at each annual general meeting of the Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year.

13.1.5 whenever directed to do so by the Chairperson, submitting to the Committee a report, balance sheet or financial statement in accordance with that direction;

13.1.6 having custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs 13.1.4 and 13.1.5; and

13.1.7 performing such other duties as are imposed by these rules on the Treasurer.

13. Payments to committee members

In this rule —

committee member includes a member of a subcommittee;

committee meeting includes a meeting of a subcommittee.

14.1 A committee member is entitled to be paid out of the funds of the Association for any out-of-pocket expenses for travel and accommodation properly incurred

in attending a committee meeting or

in attending a general meeting; or

otherwise in connection with the Association's business.

14. PROCEEDINGS OF THE MANAGEMENT COMMITTEE

15.1 The Committee shall meet together for the dispatch of business not less than once in each three calendar months and the Chairperson may at any time convene a meeting of the Committee.

15.2 Each Committee member has a deliberate vote.

- 15.3 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 deliberate vote.
- 15.4 At a Committee meeting 4 Committee members constitutes a quorum.
- 15.5 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 Committee meeting.
- 15.6 As required under sections 21 and 22 of the Act, a Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exist only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established), must-
- a) As soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the committee; and
 - b) not take part in any deliberations or decisions of the committee with respect to that contract.
- 15.7 Sub-rule (14.6) (a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Committee is an employee of the Association.
- 15.8 Notice of committee meetings
- Notice of each committee meeting must be given to each committee member at least 48 hours before the time of the meeting.
- The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- Unless subrule (4) applies, the only business that may be conducted at the meeting is the business described in the notice.
- Urgent business that has not been described in the notice may be conducted at the meeting if the committee members at the meeting unanimously agree to treat that business as urgent.

15. GENERAL MEETINGS

16.1 Annual General Meeting

16.1.1 The Annual General Meeting of the Association shall be held during the first quarter of each financial year.

16.1.2 All financial members may attend the Annual General Meeting.

16.1.3 The Secretary must give to all members not less than 14 days' notice of an annual general meeting and that notice must specify-

(a) when and where the annual general meeting is to be held;

(b) the particulars and order in which business is to be transacted, as follows-

(i) first, the consideration of the accounts and reports of the Committee;

(ii) second, the election of Committee members to replace outgoing Committee members; and

(iii) third, any other business requiring consideration by the Association at the general meeting.

16.1.4 The Secretary must give a notice by-

(a) serving it on a member personally; or

(b) sending it by post to a member at the address of the member appearing in the register of members kept and maintained under rule 12.1

16.1.5 When a notice is sent by post, sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

16.1.6 The quorum at the Annual General Meeting shall be a minimum of 7 members in person or by proxy. If at the end of 30 minutes after the time appointed in the notice for the opening of the meeting, there be no quorum the meeting shall stand and adjourn for one week. If at such meeting, there is no quorum those members present shall be competent to discharge the business of the meeting.

16.2 Special General Meetings

16.2.1 General meetings may be called by the Committee or at the request of the Chairperson or Secretary or on the written request of 10 members of the Association.

- 16.2.2 The Secretary must give to all members not less than 14 days' notice of a special general meeting and that notice must specify-
- (a) when and where the special general meeting is to be held;
 - (b) particulars of the business to be transacted at the meeting concerned and of the order in which that business is to be transacted. No other business shall be dealt with at that meeting.
- 16.2.3 The Secretary must give a notice by-
- (a) serving it on a member personally; or
 - (b) sending it by post to a member at the address of the member appearing in the register of members kept and maintained under rule 12.1
- 16.2.4 When a notice is sent by post, sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.
- 16.2.5 The quorum at the Special General meeting shall be a minimum of 7 members present in person or by proxy
- 16.2.6 Each member present in person or by proxy at a General meeting is entitled to a deliberate vote.
- 16.2.7 Voting shall be carried out by a simple majority.
- 16.2.6 In the event of equal voting on a motion, the Chairperson shall have the casting vote.
- 16.3 A special resolution may be moved either at a special general meeting or at an annual general meeting; however, the Secretary must give to all members not less than 14 days' notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in rule (15.1) or (15.2), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.
- 16.4 A general meeting of the association may be convened at any time if 10% of the association's members agree in writing that a meeting requires to be convened.

16. FINANCE

- 17.1 All funds of the Association shall be deposited into the Association's accounts at such bank or recognised financial institution as the Committee may determine.
- 17.2 All accounts due by the Association shall be paid by cheque or electronic funds transfer and action endorsed at the next Committee meeting.
- 17.3 The Secretary, Treasurer or Co-ordinator shall not spend more than a set amount of petty cash without the consent of the Committee and shall keep a record of such expenditure in a petty cash book.
- 17.4 A statement showing the financial position of the Association shall be tabled at each Committee meeting by the Treasurer.
- 17.5 A statement of income and expenditure, assets and liabilities shall be submitted to the Annual General Meeting. The auditor's report shall be attached to such financial report.
- 17.6 The financial year of the Association shall commence on 1st July each year. The accounts, books and all financial records of the Association shall be audited each year.
- 17.7 The signatories to the Association's account(s) will be the Treasurer and one of the following
- Chairperson
 - Vice-Chairperson
 - Secretary/Executive Secretary
 - Designated Committee Member

18 COMMON SEAL

- 18.1 The Association shall have a common seal on which its corporate name shall appear in legible letters.
- 18.2 The common seal of the Association shall not be used without the express authority of the Committee and every use of the common seal shall be recorded in the minute book referred to in Rule 12.1.2.
- 18.3 The affixing of the common seal of the Association shall be witnessed by any 2 of the Chairperson, Secretary and Treasurer, who shall subscribe their names as witnesses.
- 18.4 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.

19 AUDIT

- 19.1 The Certified auditor shall be appointed by the members at the Annual General Meeting, providing he or she is not a member of the Committee.
- 19.2 Auditing of the books shall be conducted annually prior to the Annual General Meeting to ensure that audited financial reports are available at the Annual General Meeting.

20 ALTERATIONS TO THE CONSTITUTION AND BY-LAWS

- 20.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or General meeting called for that purpose and notice of all motions to alter, repeal or add to the Constitution shall be given to all members 14 days prior to the Annual General Meeting, or 7 days prior to a General meeting called for such purpose.
- 20.2 The Secretary shall forward such notices of motion to each Committee member at least 14 days prior to the Annual General Meeting or 7 days prior to a General meeting.
- 20.3 Alterations to the by-laws can only be made at Committee meetings provided notice of the proposed alteration(s) has been duly notified to Committee members.
- 20.4 Such motions or any part thereof shall be of no effect unless passed by a 75% majority (Special resolution) of those present and entitled to vote at the Annual General Meeting, General meeting the case may be.

21 DISSOLUTION

- 21.1 The Association may be wound up by a special resolution of 75% of those members present at a special general meeting called for such purpose.
- 21.2 If, on 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 shall be distributed;
 - 21.2.1 to another incorporated association having objectives similar to those of the Association; or
 - 21.2.2 for charitable purposes, which incorporated association or purpose, as the case requires, shall be determined by resolution of the members.

PART 2 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION

Division 1 — Term used

Term used: member

In this Part —*member*, in relation to a member who is expelled from the Association, includes former member.

Division 2 — Disciplinary action

1. 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.

2. 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.

Division 3 — Resolving disputes

3. Terms used

In this Division — ***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.

4. 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.

5. 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.

6. 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 19, 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 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 23, the committee must not determine the dispute.

7. 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 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 23.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

Division 4 — Mediation

8. 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 23.

9. 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 15(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 15(7); or
 - (b) a party to a dispute under rule 20(5)(b)(ii); or
 - (c) a party to a dispute under rule 21(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.

10. 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.

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

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

- (a) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,
- (7) 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.