

# **The ART DECO AND MODERNIST SOCIETY OF WESTERN AUSTRALIA Incorporated.**

## **CONSTITUTION**

### **1. NAME**

The name of the Association shall be "THE ART DECO AND MODERNIST SOCIETY OF WESTERN AUSTRALIA INCORPORATED" hereinafter referred to as the "Society".

### **2. DEFINITIONS**

(a) In this Constitution, unless the contrary intention appears:

"ART DECO" means a style of decoration and architecture popular in the 1920s and 1930s.

"Amendments to the Constitution" shall include the expressions "repeal of existing Constitution", "the substitution by a new Constitution" and "the addition of new clauses".

"Committee" means the Management Committee of the Society.

"Constitution" shall have the same meaning as "RULES" specified and referred to as such within the Act.

"Clauses" mean distinct parts of the Constitution as divided into sections and identified by numbers.

"sub-clauses" mean parts of clauses divided into paragraphs and identified by letters of the alphabet and/or numbers.

"Financial Year" is specified in clause 18 of this Constitution.

"Special Resolution" means a resolution passed by the members at a general meeting in accordance with Section 51 of the Act.

"the Act" means the Associations Incorporation Act 2015 as amended from time to time or any Act which replaces it.

"Commissioner" means the person for the time being designated as the Commissioner under Section 153 of the Act.

(b) In all other respects the interpretation of clauses of this Constitution shall be determined by the Chairperson having regard to the Act itself.

### **3. OBJECTS**

(a) To promote an awareness of the outstanding qualities of the Art Deco architectural style and artefacts.

(b) To preserve and help restore endangered Art Deco buildings.

*Page*

- (c) To help current and prospective owners of Art Deco homes with their renovation and restoration queries.
- (d) To inspire an appreciation for this stylistic period and its characteristic lifestyle through social gatherings, exhibitions and media coverage.
- (e) to produce a newsletter on a regular basis as the Society shall so determine.

#### 4. POWERS

Subject to the Act and the provisions of this Constitution the Society shall have power to do all such things as are necessary or convenient for carrying out its objects and, in particular, may –

- (a) open and operate bank accounts;
- (b) invest its money in any security in which moneys may be invested or in any other manner authorised by this constitution; and
- (c) exercise such other powers as are laid down in section 14 of the Act.

#### 5. NON-PROFIT

The property and income of the Society shall be applied solely towards the promotion of its objects and no portion thereof shall be paid or otherwise distributed directly or indirectly to its members. Provided that nothing herein shall prevent the payment in good faith of reasonable remuneration to any member of the Society in return for any services rendered to the Society or expenses incurred on behalf of the Society in the promotion of the objects of the Society.

#### 6. MEMBERSHIP

- (a) Ordinary Member: Persons over the age of sixteen (16) years showing interest in the objects of the Society with a desire to achieve its main object of preserving buildings and artefacts of the Art Deco period.
- (b) Associate Member: Persons, groups or institutions who are not able to assist the Society as ordinary members yet wish to be associated with the Society in its desire to make the general public aware of buildings and artefacts of the Art Deco period.
- (c) Honorary Member: The Committee may offer honorary membership to any person or group, not being a member, who has rendered valuable service to the Society and/or in furtherance of the Art Deco style. Honorary members shall have no voting rights nor shall they serve on the Committee. Honorary members shall pay no annual subscription.

- (d) Life Member: Upon the recommendation of the Committee to the Annual General Meeting the Society may elect any ordinary member as a Life Member who, in the opinion of the Society, has rendered outstanding service to the Society in furthering the objects of the Society. Such election shall be by a simple majority of members present and voting. Life Members shall pay no annual subscription and shall be exempt from paying other contributions. Life Members shall be entitled to all the privileges of an ordinary member. Life Members shall hold the honour during the life of such member.
- (e) Patron: Upon the recommendation of the Committee to the Annual General Meeting or a Special General Meeting, the Society may elect an individual whether a member or not, who, in the opinion of the Society, by virtue of their distinguished service to the community best represent and promotes the objects of the Society. Such election shall be by a special resolution. Patrons shall pay no annual subscription and shall be exempt from paying other contributions. Patrons shall be entitled to all the privileges of an ordinary member. A patron shall hold the honour until such time as an Annual General Meeting revoke the honour by special resolution or until the patron resigns or passes away.
- (f) Upon the recommendation of the Committee to the Annual General Meeting or a Special General Meeting, a member may be appointed to a category of Life Membership expressly established to celebrate and acknowledge that members exceptional contribution and service to the Society. The matter will be addressed by two special resolutions, one to establish the category and the other to appoint the member to that category of life membership. Such a category of membership will have all the same rights of a Life member as well as be entitled to received notice and attend as an ex-officio non-voting member, all committee meetings of the Society, including sub-committees established by the committee.

## 7. ELECTION OF MEMBERS

- (a) Persons may apply for ordinary or associate membership of the Society in the manner and form of application as shall be prescribed by the Committee.
- (b) The Secretary shall submit all applications to the Committee who shall consider each and every application and may refuse to grant membership without giving any reason for such refusal. Provided that, the Committee may, when requested and at its entire discretion, disclose its reasons for refusing membership
- (c) Upon acceptance of the application by the Committee and upon payment of the first annual subscription the applicant shall be a member of the Society in the class applied for.
- (d) The names of all new members shall be announced at the next ordinary general meeting.

## 8. REGISTER OF MEMBERS

**NOTE:** Registration of Members to be in accordance with the Act.

## 9. SUBSCRIPTIONS

- (a) Members shall from time to time at a general meeting determine the amount of subscription to be paid by ordinary and associate members with concessions as may be determined by the general meeting.
- (b) Subscriptions shall fall due on the first day of July in each year.
- (c) Any member whose subscription is outstanding for more than three (3) months after the due date for payment shall cease to be a member of the Society. Provided always that the Committee may reinstate a person's membership on such terms as it thinks fit and on payment of all arrears.
- (d) A financial member shall be one whose subscription is not more than three (3) months in arrears.

## 10. RESIGNATION

- (e) A member may resign at any time by sending a written notice of resignation to the Secretary.
- (f) Any member who ceases to be a member under sub-clause (a) above shall be liable for any outstanding subscription.

## 11. EXPULSION OF MEMBER

If any member shall be guilty of an act which, in the opinion of the Society, renders it undesirable that that person shall continue as a member the Society, in a special general meeting called for the purpose, may expel such offending member and strike that person's name from the register of members. Voting in this instance shall be by secret ballot. Provided that the member upon whom the expulsion has been notified in writing shall have the right to appear before the special general meeting called to consider the expulsion to present a case in defence.

## 12. MANAGEMENT COMMITTEE

- (a) The affairs of the Society shall be managed exclusively by a Committee of Management consisting of:
  - a President
  - a Vice-President

*Page*

- a Secretary
  - a Treasurer
  - a Publicity Officer and
  - from three (3) to five (5) other persons at the discretion of each Annual General Meeting.
- (b) All office bearers and other persons so elected shall be known collectively as Committee members.
  - (c) All Committee members shall be financial members of the Society elected to membership of the Committee at an Annual General Meeting or appointed under sub-clause (f) hereunder and/or clause 13(d) of this Constitution.
  - (d) Committee members shall hold office until the rising of the next Annual General Meeting but may offer themselves for re-election.
  - (e) The position of any member of the Committee shall become vacant if he/she resigns, fails to attend three (3) consecutive meetings without satisfying the Committee that he/she had good reason for failure to attend, or ceases to be a financial member.
  - (f) The Committee may appoint a member of the Society to fill a casual vacancy and such member shall hold office until the rising of the next following Annual General Meeting and shall be eligible for election as a member of the Committee.

### 13. ELECTION OF COMMITTEE

- (a) Members shall be elected to the Committee at the time of the Annual General Meeting upon the Chairperson calling for nominations from the floor for each and every position on the Committee.
- (b) In the event of there being more than one nomination for each office bearer and there being more nominations for the number of other Committee members required the election shall be by a show of hands or by a ballot at the request of at least five (5) financial members present. Should there be a tie the Chairperson shall have a casting vote.
- (c) In the case of an election by ballot two (2) scrutineers shall be appointed by members present at the meeting. Following the election and the result being announced by the Chairperson the appointed scrutineers shall forthwith destroy all ballot papers.
- (d) The Committee shall have power to fill any vacancy which remains unfilled at the time of the Annual General Meeting.
- (e) Only financial members shall be eligible for election to the Committee.

#### 14. PROCEEDINGS OF COMMITTEE

- (a) The Committee shall meet at least four times a year or at such other times as the President may see fit.
- (b) The Secretary shall give notice to all Committee members of the date, time and venue for the holding of such meetings.
- (c) Subject to the provisions of this Constitution the procedure and course of business to be followed at Committee meetings shall be determined by the Committee.
- (d) Questions arising at any meeting shall be decided by a majority of votes and in the event of an equality of votes the Chairperson of the meeting shall have a casting vote in addition to a deliberative vote.
- (e) A special Committee meeting shall be called by the Secretary upon receiving the written request of three (3) Committee members. Such special Committee meeting shall be held not later than ten (10) days following receipt of such request. Only the business for which such special Committee meeting is called, as expressed in the request, shall be discussed and no other matter whatsoever shall be permitted.
- (f) A member of the Committee having any direct or indirect pecuniary interest in a contract or proposed contract made by or in the contemplation of the Committee shall disclose that interest to the Committee as required by the Act and shall not take part in any deliberations or vote with respect to that contract.
- (g) A quorum of the Committee shall be a majority of the composition of the Committee duly elected as such at the time of the Annual General Meeting or by the Committee in filling vacancies pursuant to clause 13(d) of this Constitution.
- (h) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (i) A member who participates in a committee meeting as allowed under the rule 14 (h) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.
- (j) Where a decision is determined by the President to be urgent, the matter can be resolved by emailing each member of the Committee with the proposal. If within a 48 hour period no member of the committee has objected to the proposal' the proposal will be deemed to have been passed. All decision made subject to rule 14(j) are subject to review by the Committee at its next meeting.

## 15. GENERAL MEETINGS

### (a) Annual General Meetings:

- i. The Committee shall fix a date for the Annual General Meeting which shall be held no later than the 31st day of October in each year.
- ii. Any financial member shall be entitled to move motions at the Annual General Meeting by giving notice to the Secretary of such motions at least seven (7) days before the date fixed for the meeting.
- iii. The order of business shall be:
  - Attendances and apologies
  - Confirmation of the minutes of the previous Annual General Meeting
  - Matters arising therefrom
  - The President's address
  - The Treasurer's report with an audited financial statement of accounts
  - The appointment of an Auditor
  - The election of the Committee for the ensuing year
  - Motions for which due notice has been given
  - Any other business permitted by the Chair.

### (b) Special General Meetings:

- i. The Secretary shall convene a special general meeting as directed to do so by the President or by the Committee or by a number of members equal to at least six (6) percent of the membership of the Society all of whom being the President, the Committee or the financial members shall specify the purpose or purposes for which the special general meeting is to be convened.
- ii. The meeting shall be held not less than twenty-one (21) days nor more than twenty-eight (28) days from the date on being directed or requested to do so.
- iii. Only the business or purpose for which the meeting is being called as expressed in the Secretary's notice convening the meeting shall be transacted and no other matter whatsoever shall be permitted.

### (c) Notice of General Meeting

The secretary or, in the case of a special general meeting convened under 15(c)i the members convening the meeting, must give each member –

- (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or

- (b) at least 14 days' notice of a general meeting in any other case.

The notice must –

- (a) Specify the date, time and place of the meeting; and
- (b) Indicate the general nature of each item of business to be considered at the meeting; and
- (c) If the meeting is the annual general meeting, include the names of the members who have nominated for election to the committee; and
- (d) If a special resolution is proposed –
  - i. Set out the wording of the proposed resolution as required by Section 51(4) of the Act; and
  - ii. State that the resolution is intended to be proposed as a special resolution.

#### 16. QUORUM AND PROCEEDINGS AT ALL GENERAL MEETINGS

- (a) The quorum for all general meetings shall be ten (10) financial members present and entitled to vote.
- (b) If within thirty (30) minutes after the time appointed for the meeting a quorum of members is not present a meeting convened upon the requisition of members shall lapse. In any other case the meeting shall stand adjourned to the same day in the next week, at the same time and place or as decided by the President if the date and time is not suitable or the venue is not available for such adjourned meeting. If at such adjourned meeting a quorum is not present within thirty (30) minutes of the time appointed for the meeting the members who are present in person may nevertheless proceed with the business of that meeting as if a quorum were present.
- (c) At a general meeting an ordinary resolution put to the vote shall be decided by a majority of votes cast on a show of hands; and a special resolution put to the vote shall be decided either by a ballot or by a show of hands at the discretion of the Chairperson. Notwithstanding the foregoing a ballot may be demanded during the meeting by at least six (6) financial members present at the meeting.
- (d) A ballot so demanded shall be taken in such manner as the Chairperson directs.
- (e) The declaration by the Chairperson of the result of any such ballot shall be evidence of the matter so declared.



## 17. MINUTES OF ALL MEETINGS

- (a) The Secretary shall cause proper minutes of all proceedings of all general meetings and all Committee meetings to be taken and then to be entered within thirty (30) days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept for the purpose.
- (b) The Chairperson shall see that the minutes kept pursuant to this clause are correct and shall be signed as correct by the Chairperson of the meeting at which the proceedings took place or by the Chairperson of the next succeeding meeting, following the reading of the minutes to and their adoption by members present.
- (c) Where the minutes are entered and signed they shall, until the contrary is proved, be evidence that the meeting was duly convened and held, and all proceedings recorded as taking place at the meeting have duly taken place, and that all appointments made at the meeting have been validly made.

## 18. FINANCIAL YEAR

The financial year shall be from the first day of July to the 30th day of June in the following year.

## 19. SUB-COMMITTEES AND CO-OPTION

- (a) The Committee shall have power to appoint sub-committees for specific purposes and shall issue terms of reference for the sub-committee to report back to the Committee with recommendations for adoption or otherwise.
- (b) At any general meeting the Society may co-opt members to serve on the Committee in special circumstances and only for the period in which it is necessary to co-opt such member.

## 20. VOTING RIGHTS

Subject to this constitution each member present at a general meeting shall be entitled to one vote. Provided that such member is a financial member.

## 21. DUTIES OF OFFICER BEARERS

- (a) The President: He/She shall:
  - i. take the Chair at all general and Committee meetings at which he/she is present;
  - ii. be responsible for the proper conduct of the Society's affairs as set out in the Constitution;
  - iii. co-ordinate policy as approved by the Society and shall be responsible for good

Page 9

publicity bringing the aims and objects of the Society before the public in appropriate cases;

- iv. be ex officio a member of all sub-committees appointed pursuant to clause 19 of this Constitution;
- v. when in attendance at sub-committee meetings have full voting rights as an ordinary member and be counted in the normal way for matters such as quorum.

(b) The Vice-President: He/She shall:

- i. assist the President in his/her duties;
- ii. chair the meeting in the absence of the President, and in the event of both the President and Vice-President being absent the meeting shall appoint a Chairperson;
- iii. deputise for the President if requested to do so.

(c) The Secretary: He/She shall,

- i. attend all meetings of the Society, all Committee and sub-committee meetings;
- ii. conduct the correspondence of the Society and have custody of all documents, records and registers of the Society and the common seal pursuant to clause 24 of this Constitution;
- iii. maintain in an up to date condition the Constitution of the Society and upon the request of a member shall provide a copy of the Constitution free of charge;
- iv. maintain a record of the names and residential or postal addresses as well as telephone numbers of the office bearers and Committee members pursuant to clause 12 of this Constitution. Such record or records shall be made available to any member upon request to the Secretary but the same shall not be taken out of the Secretary's custody; and
- v. perform such other duties usually associated with the office of Secretary as may be required by the Committee.

(d) The Treasurer: He/She shall:

- i. keep correct accounts and books of the Society which explain the financial transactions and financial position at all times;
- ii. keep the accounting records in such manner as will enable true and fair accounts of the Society to be conveniently and properly audited;
- iii. collect and bank all monies received and give proper receipts for same;

- iv. arrange all payments and disbursements authorised by the Committee;
- v. arrange and submit financial statements to the Committee and to all ordinary general meetings of the Society in such form as directed by the Committee;
- vi. open bank accounts for such other investment accounts for the purpose of earning higher rates of interest as authorised by the Committee;
- vii. at the close of each financial year to prepare and submit for audit for subsequent submission to the Annual General Meeting together with the Auditor's report (if any) a financial statement showing the financial position of the Society at the end of the immediately preceding financial year. If directed by the Committee to also submit a Treasurer's report to explain the financial transactions of the Society;
- viii. on the authority of the Committee, or the Society at a general meeting as the case may be, to arrange for any two of the following: the President, Secretary and Treasurer to sign cheques on the bank account(s) and withdrawal forms on the investment accounts;
- ix. have custody of all securities, books and documents relating to the financial affairs of the Society; and
- x. perform such other duties usually associated with the office of Treasurer as may be required by the Committee.

(e) The Publicity officer: He/She shall:

- i. deal with matters of publicity as so directed by the Committee or the President in cases of expediency;
- ii. refer all enquiries from the media or other persons to the President;
- iii. not deal directly with the public, developers of real estate, or interested parties on subjects concerning the principles of the objects of the Society but to refer all such matters to the President; and
- iv. maintain at all times the integrity and good name of the Society when dealing with relations between the Society and the public at large.

## 22. THE CONSTITUTION

This Constitution shall bind the Society and every member to the same extent as if they had respectively signed and sealed it and agreed to be bound by all the provisions thereof.

## 22A RESOLVING DISPUTES

The procedure for dealing with any dispute under or relating to the Constitution:

- (a) between members; or
- (b) between members and the Society

is set out in the Schedule to this Constitution.

In that Schedule the Constitution is referred to as the Rules and the Society is referred to as the Association.

## 23. AMENDMENTS TO THE CONSTITUTION

- (a) Subject to approval by a special resolution of members of the Society the Constitution may be amended on the recommendation of the Committee or on a motion duly and properly submitted by a financial member.
- (b) Any amendment shall be considered and adopted at the Annual General Meeting or a Special General Meeting called for the purpose pursuant to clause 15(c) of the Constitution. Provided that the sub-clauses hereinafter of 'this clause 23 are adhered to.
- (c) Notice of the proposed amendment(s) shall be given by the Secretary in writing to all members setting out the proposed amendment(s) not less than twenty-one (21) days prior to the date fixed for the meeting at which the amendment(s) are to be considered.
- (d) At any general meeting of the Society at which any notice of motion to amend the Constitution is being considered it shall be competent for any member to move an amendment to such motion without giving prior notice thereof provided that in the opinion of the Chairperson the proposed amendment is relevant to the subject matter of the motion and is not a direct negative to the motion.
- (e) Amendments passed by a general meeting of the Society shall be subject to and conditional upon the submission of such amendment(s) being lodged within one month from the date of the meeting with the Commissioner pursuant to the provisions of the Act.
- (f) Such lodgement shall be accompanied by a certificate signed by a member of the Committee certifying that the special resolution was duly passed and that the amendment(s) conform to the requirements of the Act.
- (g) Should the aforesaid lodgement be made by post it shall be' posted by "Certified Mail", or such other means substituted therefore by Australia Post, and a receipt for delivery be requested and paid for. –

- (h) Should the aforesaid lodgement be personally delivered to the office, wherever situated, of the Commissioner the person so making such lodgement shall inform the Secretary of the date such lodgement was made.
- (i) No amendments shall be brought into force or have effect until and unless they shall have been so lodged pursuant to the aforesaid sub-clauses (g) and (h) of this clause 23. The date bringing into force such amendment(s) shall be the date of receipt acknowledging the relevant documents by the Commissioner.

#### 24. COMMON SEAL

- (a) The Society shall have a common seal in which its corporate name shall appear in legible characters.
- (b) The common seal shall not be used without the express authority of the Society and every use of the common seal shall be recorded in the minute book referred to in Clause 17(a) of this Constitution.
- (c) The affixing of the common seal of the Society shall be witnessed by the President and Secretary or such other officers duly appointed to act in either of these two posts.
- (d) The common seal shall be kept in the custody of the Secretary.

#### 25. DISSOLUTION

- (a) If the Society is solvent and able to meet all its debts and liabilities it may be dissolved and wound up by a special resolution carried by a three fourths (3/4ths) majority of financial members present and voting at a special general meeting called for such purpose.
- (b) The Society shall cause a copy of a special resolution passed under the aforesaid sub-clause (a) above to be lodged with the Commissioner within fourteen (14) days after the passing of the special resolution.
- (c) In the event of the organisation being dissolved, all assets that remain after such dissolution and the satisfaction of all debts and liabilities shall be transferred to one or more entities mentioned in section 24(1) of the Act with similar objects, which is charitable at law and which has rules prohibiting the distribution of its assets and income to its members.

# THE SCHEDULE

## MODEL RULES AND GUIDANCE NOTES

### (Extract, Divisions 3 and 4)

#### Division 3 — Resolving disputes

##### 17. TERMS USED

In this Division —

***grievance procedure*** means the procedures set out in Division 3 of the Schedule to the Act

***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.

##### ***Guidance Note - Resolving disputes***

- *For the purposes of rules 17 and 18, the term **this Division** relates to rules 19 – 21.*

##### 18. APPLICATION OF DIVISION

The procedure set out in Division 3 (the grievance procedure) applies to disputes —

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

##### 19. 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.

##### 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 3, 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 6 below,the committee must not determine the dispute.

## 20. 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 7 of the following Mediation procedure.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.



## Division 4 — Mediation

### **Guidance Note - Mediation**

- For the purposes of rule 22, the term *this Division* relates to rules 22-25.

### 22. APPLICATION OF DIVISION

- (1) This Division applies if written notice has been given to the secretary requesting the appointment of a mediator by a party to a dispute under rule 4(5)(b)(ii) or 5(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 7.

### 23. APPOINTMENT OF MEDIATOR

- (1) The mediator must be a person chosen by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of subrule (1), 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 party to a dispute under rule 4(5)(b)(ii); or
  - (b) a party to a dispute under rule 5(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.

## 24. 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.

### Note for this rule:

Section 182(1) of the Act provides that an application may be made to the State Administrative Tribunal to have a dispute determined if the dispute has not been resolved under the procedure provided for in the incorporated association's rules.

## 25. IF MEDIATION RESULTS IN DECISION TO SUSPEND OR EXPEL BEING REVOKED

If —

- (a) mediation takes place because a member's membership is suspended or a member is expelled from the Association ; 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.