



CONSTITUTION

1. NAME OF CLUB

The name of the Club is Joondalup Hockey Club Incorporated (or Inc.)

2. DEFINITIONS

In these rules, unless the contrary intention appears-

“committee meeting” means meeting referred to in rule 17 (1);

“committee member “ means person referred to in paragraph (a) (b) (c) (d) and (e) of rule 11 (1);

“convene” means to call together for a formal meeting;

“financial year” has the meaning of:

- (a) The first financial year of the Association is to be the period notified to the Commissioner under section 7(4)(e) or, if relevant, section 29(5)(e) of the Act.
- (b) 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” means meeting convened under rule 18.

“member” means member of the Club;

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

“season” means the period from the commencement of training to the conclusion of the Grand Finals, for the competitions fixtured by Hockey WA;

“season fixtures” means the period from the official list of playing dates and venues as published by Hockey WA.

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

“the Act” means the Association Incorporation Act 2015;

“the Club” means the Club referred to as in rule 1;

“the President” 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 13; or
- (b) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in rule 11(1) (a) or, if that person is unable to perform his or her functions, the Vice President's;

“the Commissioner” means the Commissioner for Fair trading exercising powers under the act;

“the Committee” means the management Committee and/or Executive Committee of the club referred to in rule 11 (1) and rule 12;

“the Secretary” means the Secretary as referred to in rule 11(1)(d);



“the Treasurer” means the Treasurer as referred to in rule 11(1)(e):

“the Vice President” means the Vice President as referred to in rule 11(1)(b)

“Hockey WA” means Western Australian State Governing body for Hockey.

3. OBJECTS

The objects of the club are:

- (1) (a) To encourage, promote and foster the game of hockey within the region;
- (b) To take part in any interclub matches promoted or organised by Hockey WA, or any other such body with which the Club, from time to time may be affiliated;
- (c) To affiliate with Hockey WA, and to withdraw and retire and to re-affiliate with such body or organisation from time to time as the club shall think fit;
- (d) To promote and conduct social functions for the benefit of the club and its members;
- (e) To affiliate with any other body or organization for the purpose of obtaining benefits for the club.
- (2) The property and income of the Club shall be applied solely towards the promotion of the objects of the Club 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.

4. POWERS OF THE CLUB

The powers of the club are those conferred upon it by Section 14 of the Act.

5. QUALIFICATIONS FOR MEMBERSHIP

- (1) All persons not specifically debarred by these rules and/or the rules of Hockey WA or any other body with which the Club, from time to time, may be affiliated, shall be eligible to become members of the Club, in the following Classes, and subject to the conditions contained herein.
- (2) (a) PLAYING MEMBERS
 - (i) Senior playing members;
 - (ii) Student members who have attained the age of 17 years on the first day of January of the current season and who attend as a full time student at a tertiary institution, secondary school or similar;
 - (iii) Junior members who have not attained the age of 17 on the first day of January of the current season.



(b) NON-PLAYING MEMBERS

Fully paid non-playing members.

(c) LIFE MEMBERS

The Management Committee may elect any member who is deemed by the Management Committee to have given outstanding service to the Club as a Life Member. Any member may nominate a person to the Management Committee for consideration for Life Membership.

(d) PATRONS

The Club may, at its discretion elect a Patron(s) or Vice Patron(s) The Club for such a period as may be deemed necessary. Such Patron(s) or Vice Patron(s) shall not be eligible to vote unless they are current members of the Club under another category of membership.

(3) A person who wishes to become a member shall;

- (a) Apply for membership in writing on the prescribed form, signed by the applicant or, in the case of a junior member, by the parent or guardian.
- (b) The management Committee shall consider each application made subrule (3)(a) at a Management Committee meeting and shall at the Committee meeting or a subsequent Committee meeting accept or reject that application.
- (c) A copy of these Rules shall be available for perusal by all Applicants for membership. All persons whose applications are Approved shall be deemed to have subscribed to these rules as from the date of their acceptance as a member by Executive committee.
- (d) Members of the Club shall be entitled to a copy of these Rules on Request.
- (e) The membership year shall be from the first day of February to the thirty-first day of January.
- (f) All members except those classified in 2(a)(iii) are eligible to hold office.

6. REGISTER OF MEMBERS OF CLUB

The registrar shall on behalf of the Club keep and maintain the register of members in accordance with section 53 of the Act and that register shall be kept and maintained in their place of residence.

7. SUBSCRIPTION OF MEMBERS OF THE CLUB

- (1) The Management Committee shall from time to time determine the amount of the subscription to be paid by each member, in accordance with the categories defined in Paragraph 5(2)
- (2) Each member shall pay to the Finance manager, annually on or before the team's first fixtured game, or such other date as the Committee from time to time determines, the amount of the subscription determined under subrule (1)
- (3) Subject to subrule (4), a member whose subscription is not paid within 3 months after the relevant date fixed by or under subrule (2) ceases on the expiry of that



period to be a member, unless the committee decides otherwise.

- (4) A member is a financial member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under subrule (2) or within 3 months thereafter.
- (5) Any person becoming a Member on or after the first day of July in any year shall pay such proportionate subscription, as the Management Committee shall determine for the year in lieu of ordinary subscription.

8. RESIGNATION OF MEMBERS OF THE CLUB

- (1) A member who delivers notice in writing of his or her resignation from the Club to the Marketing manager ceases on that delivery to be a member.
- (2) A person who ceases to be a member under subrule (1) remains liable to pay to the club the amount of any subscription due and payable by that person to the Club but unpaid at the date of that cessation.
- (3) Any non-financial member who has ceased to be a member of the Club shall not be granted a clearance until all dues are paid.

9. EXPULSION OF MEMBERS OF THE CLUB

- (1) If the committee considers that a member should be expelled from membership of the Club because of his or her conduct detrimental to the interests of the Club, the committee shall communicate in writing, to the member.
 - (a) Notice of the proposed expulsion, and
 - (b) Particulars of that conduct, inviting that member to resign from the Club within a specified time.
- (2) Should a member subject to subrule (1) elect not to resign within the specified time, the committee shall communicate, either orally or in writing to the member;
 - (a) Notice of that proposed expulsion and of the time, date and place of the Committee meeting at which the question of that expulsion will be decided;
 - (b) Not less than 30 days before the date of the committee meeting.
- (3) At the Committee meeting referred to in a notice communicated under subrule (2), the committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, expel or decline to expel that member, communicate that decision in writing to that member.
- (4) Subject to subrule (6), a member who is expelled under subrule (3) from membership of the club ceases to be a member 14 days after the day on which the decision so to expel him or her is communicated to him or her under subrule (3).
- (5) A member who is expelled under subrule (3) from membership of the club shall if he or she wishes to appeal against that expulsion, give notice to the marketing manager of his or her intention to do so within the period of 14 days referred to in subrule (4)



- (6) When notice is given under subrule (5):
 - (a) the Club in a general meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Club in the general meeting, confirm or set aside the decision of the Club to expel that member; and
 - (b) The member who gave that notice does not cease to be a member unless and until the decision of the Committee to expel him or her is confirmed under this subrule.

10. LIABILITY OF MEMBERS UNDER EXPULSION

- (1) Every person ceasing to be a member of the Club by reason of expulsion, shall not be deemed to be relieved of any indebtedness to the club and shall remain liable for any subscription and any other monies due and unpaid at the date of ceasing to be a member.
- (2) Any person expelled from the Club shall forfeit all rights to and claims upon the Club, its property and funds.

11. MANAGEMENT COMMITTEE

- (1) The affairs of the club shall be managed exclusively by the Management Committee consisting of:
 - (a) President
 - (b) Vice President
 - (c) Secretary
 - (d) Treasurer
 - (e) General Committee MembersAll of whom shall be members of the club elected to membership of that Committee at an annual general meeting or appointed under subrule (7)
- (2) A person is not eligible for election to membership of the Committee unless a member who has nominated him/her for election by delivering notice in writing of that nomination signed by;
 - (a) The nominator; and
 - (b) The nominee to signify his or her willingness to stand for election,To the Secretary not less than 14 days before the day on which the Annual General Meeting concerned is to be held.
- (3) A person who is eligible for election or re-election under this rule may at the Annual General Meeting concerned;
 - (a) Propose or second himself or herself for election or re-election; and
 - (b) Vote for himself or herself
- (4) The Secretary shall ensure that notice of all persons seeking election to membership of the Committee is given to all members when notice is given to those members of the calling of the Annual General Meeting at which that election is to be held.



- (5) If the number of persons nominated for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled.
 - (a) The Secretary shall report accordingly to; and
 - (b) The Chairperson shall declare those persons to be duly elected as members of the Committee at, the Annual General Meeting concerned.
- (6)
 - (a) The Chairperson of the Annual General Meeting shall have power on the day of the meeting to call for nominations from the floor provided that there is a seconder and the nominee in person accepts such nomination.
 - (b) The nominator, seconder and nominee shall all be financial members of the Club.
 - (c) Should there be more nominations than vacancies for any one position; the Chairperson shall conduct a ballot to determine the issue. This may be done by a show of hands.
 - (d) Should there be less nominations than vacancies these positions may be filled at the first or any subsequent Management Committee meeting.
 - (e) In the event of equality of votes the chairperson may exercise a casting vote.
- (7) When a casual vacancy within the meaning of rule 16 occurs in the membership of the committee:
 - (a) The Committee may appoint a member to fill that vacancy; and
 - (b) A member appointed under this subrule shall;
 - (i) Hold office until the commencement of; and
 - (ii) Be eligible for election to membership of the Committee at, the next following Annual General Meeting.

12. EXECUTIVE COMMITTEE

The Executive Committee shall be empowered by the Management Committee to act on its behalf and/or following its instruction at a Committee meeting, and consisting of;

- (a) a President
- (b) Vice President
- (c) Secretary
- (d) Treasurer

All of whom shall be members of the Club elected to membership of that Committee at an Annual General Meeting or appointed under rule 11(7).

13. 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) The President and the Vice President, a committee member as elected by the other Committee members present.
- (b) A Committee meeting of:
 - (i) The President, the Vice President, or
 - (ii) The President and the Vice President, or
 - (iii) The President and the Vice President, a committee member as elected by the other Committee members present.

Shall preside at the general meeting or Committee meeting, as the case requires.

- (3) The President shall be generally responsible for the smooth running of the Club. On all ceremonial occasions he/she shall represent the club.
- (4) The President may call Management and Executive Committee meetings and shall convene all meetings of the Club.
- (5) The President is entitled to move and second any motion and speak from the chair subject to the rules of debate.

14. SECRETARY

The Secretary shall:

- (1) Coordinate the correspondence of the Club;
- (2) Keep full and correct minutes of the proceedings of the Committee and of the Club;
- (3) Comply on behalf of the club with:
 - (a) Section 53 of the Act in respect of the register of members of the Club;
 - (b) Section 35 of the Act in respect of the rules of the Club;
 - (c) Section 58 of the Act in respect of the record of the office holders, and any trustees, of the Club;
- (4) Have custody of all books, documents, records and registers of the Club, including those referred to in subrule (3), other than those required by rule 15 to be kept and maintained by, or in the custody of, the Treasurer, and perform such other duties as are imposed by these rules on the Secretary.

15. TREASURER

The Treasurer shall:

- (1) Be responsible for the receipt of all monies paid to or received by, or by him on behalf of, the Club and shall issue receipts for those moneys in the name of the Club.
- (2) Pay all moneys referred to in subrule (1) into such account or accounts of the Club as the Committee may from time to time direct;
- (3) Make payments from the funds of the Club with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by one Committee member other than himself or herself;



- (4) Comply on behalf of the Club with sections 66, 68 and 70 of the Act in respect of the accounting records of the Club;
- (5) Whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
- (6) Have custody of all securities, books and documents of a financial nature and accounting records of the Club, including those referred to in subrules (4) and (5); and
- (7) Perform such other duties as are imposed by these rules on the Treasurer.

16. 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;

- (1) Dies,
- (2) Resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Internal Vice President Manager;
- (3) Is convicted of an offence under the Act;
- (4) Is permanently incapacitated by mental or physical ill health;
- (5) Is absent from more than:
 - (a) 3 Consecutive Committee meetings; or
 - (b) 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
- (6) Ceases to be a member of the Club.

17. PROCEEDINGS OF MANAGEMENT COMMITTEE

- (1) The Management Committee shall meet together for the dispatch of business at least once a month during the season and as required during the balance of the year. The President may at any time convene a meeting of the Committee.
- (2) A meeting shall be held within one month after the Annual General Meeting.
- (3) Each Committee member has a deliberative vote.
- (4) 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.
- (5) At a Committee meeting, 4 Committee members constitute a quorum.
- (6) Subject to these rules, the President in accordance with the Agenda shall determine the procedure and order of business to be followed at a Committee meeting.
- (7) A Committee member having any direct or indirect pecuniary interest referred to in section 42 or 43 of the Act shall comply with that section.



- (8) All Committee members are volunteers and are not entitled to any form of payment out of the Associations funds for discharging their duties as a member of the committee.

18. GENERAL MEETINGS

- (1) The Management Committee:
 - (a) May at any time convene a special general meeting;
 - (b) Shall convene an Annual General Meetings within the time limits provided for the holding of an Annual General Meetings by section 50 of the Act; and not more than 21 days either side of the final qualifying fixture of the winter season.
 - (c) Shall within 21 days of:
 - (i) Receiving a request in writing to do so from not less than 5% of members, convene a special general meeting for the purpose specified in that request; or
 - (ii) The Secretary receiving a notice under rule 9(5) convene a special general meeting for the purpose of dealing with the appeal to which that notice relates.
- (2) The members making a request referred to in subrule (1)(c)(i) shall:
 - (a) State in that request the purpose for which the special general meeting concerned is required;
 - (b) Sign that request
- (3) If a special general meeting is not convened within the relevant period of 21 days referred to;
 - (a) In subrule (1) (c) (ii) the member who gave the notice concerned may her/himself convene a special meeting as if he or she was the Committee.
- (4) When a special general meeting is convened under subrule (3)(a)
 - (a) The Committee shall ensure that the members or member convening the special general meeting are supplied free of charge with particulars of all members; and
 - (b) The club shall pay the reasonable expenses of convening and holding the special general meeting.
- (5) Subject to subrule (8), the Secretary shall give to all members not less than 14 days' notice of a general meeting and of any motions to be moved at the general meeting.
- (6) A notice given under subrule (5) shall specify;
 - (a) When and where the general meeting concerned is to be held; and
 - (b) Particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.



- (7) In the case of an Annual General Meeting, the order in which business is to be transacted is:
 - (a) Minutes
 - (b) The consideration of the accounts and reports of the Committee;
 - (c) The election of Patron and Vice Patrons;
 - (d) The election of Committee members to replace outgoing Committee members, and
 - (e) Any other business requiring consideration by the Club in a general meeting.
- (8) The Secretary shall give to all the members not less than 21 days' notice of a general meeting at which a special resolution is to be proposed and of any other motions to be moved at that general meeting.
- (9) The Secretary may give notice under subrule (5) or (8) 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 section 53 of the Act.
- (10) When a notice is sent by post under subrule (9) (b), sending of the notice shall be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

19. QUORUM IN PROCEEDINGS AT GENERAL MEETINGS

- (1) At a general meeting, 7 members present in person or by proxy constitute a quorum.
- (2) If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 18 (5) or (8);
 - (a) As a result of a request or notice referred to in rule 18 (1) (b) or as taken under rule 18 (3) a quorum is not present, the general meeting lapses; or
 - (b) Otherwise than as a result of a request, notice or action referred to in paragraph (a) the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- (3) If within 30 minutes of the time appointed by subrule (2)(b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.
- (4) The President may, with the consent of a general meeting, at which a quorum is present, and shall, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- (5) There shall not be transacted at adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (6) When a general meeting is adjourned for a period of 30 days or more, the Secretary shall give notice under rule 18 of the adjourned general meeting as if that general meeting was a fresh general meeting.



- (7) At a general meeting:
 - (a) An ordinary resolution put to the vote shall be decided by a majority of votes cast on a show of hands; and
 - (b) A special resolution put to the vote shall be decided in accordance with section 51 of the Act.
- (8) A declaration by the president at a general meeting that a resolution has been passed as an ordinary resolution thereat shall be evidence of that fact unless, during the general meeting at which the resolution submitted, a poll is demanded in accordance with subrule (9)
- (9) At a general meeting, a poll may be demanded by the President at the general meeting or by 3 or more members present in person or by proxy and, if so demanded, shall be taken in such manner as the President directs.
- (10) If a poll is demanded and taken under subrule (9) in report of an ordinary resolution, a declaration by the President of the result of the poll is evidence of the matter so declared.
- (11) A poll demanded under subrule (9) on the election of a person to preside over a general meeting or on the question of an adjournment shall be taken forthwith on that demand being made.

20. MINUTES OF MEETINGS OF THE CLUB

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

21. VOTING RIGHTS

- (1) Subject to these rules, each member present in person or by proxy at a general meeting is entitled to a deliberate vote.
- (2) A member who is a body corporate may appoint in writing a natural person, whether or not he or she is a member, to represent it at a particular general meeting or at all general meetings.



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

22. PROXIES OF MEMBERS OF THE CLUB

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

23. RULES OF THE CLUB

- (1) The club may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in section 30, 31 and 32 of the Act.
- (2) These rules bind every member and the Club to the same extent as if every member and the Club has signed and sealed these rules and agreed to be bound by all their provisions.

24. COMMON SEAL OF THE CLUB

- (1) The Club shall have a common seal on which its corporate name shall appear in legible characters.
- (2) The common seal of the club shall not be used without the express authority of the Committee and every use of that common seal shall be recorded in the minute book referred to in rule 20
- (3) The affixing of the common seal of the Club shall be witnessed by any two persons holding the office of President, External Vice President, Internal Vice President, Secretary and Treasurer.
- (4) The common seal of the Club shall be kept in custody of the Secretary or such other person as the Committee from time to time decides.

25. INSPECTION OF RECORDS, ETC, OF THE CLUB

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



26. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF THE CLUB

If, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed.

- (1) To another incorporated Club having similar to those of the Club; or
- (2) For Charitable purposes

Which incorporated Club or purposes, as the case requires, shall be determined by resolution of the members when authorizing and directing the committee under section 24 of the Act to prepare a distribution of the surplus property of the Club.

27. BY-LAWS

The Executive Committee shall have the power to make such by-laws as they may deem necessary for the carrying out of the objects of the Club and to vary or rescind such by-laws from time to time if necessary, provided they do not interfere with the Clauses of the Constitution.

28. RESOLVING DISPUTES

grievance procedure means the procedures set out below

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.

28.1 Application of procedure

The procedure set out in this grievance procedure applies to disputes —

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

28.2 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.

28.3 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 28.2, 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 28.6,the committee must not determine the dispute.

28.4 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 28.6.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

28.5 Mediation

- (1) This applies if written notice has been given to the secretary requesting the appointment of a mediator —
 - (a) by a member under rule 9(5); or
 - (b) by a party to a dispute under rule 28.3(5)(b)(ii) or 28.4(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 28.6.



28.6 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 9(5) — 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 28.3(5)(b)(ii) or 28.6(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 9(5); or
 - (b) a party to a dispute under rule 28.3(5)(b)(ii); or
 - (c) a party to a dispute under rule 28.4(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.

28.7 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.



28.8 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 9(5); 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.