



**CONSTITUTION**  
**OF THE**  
**MELVILLE**  
**LITTLE ATHLETICS**  
**CENTRE**

**August2016**

**Home Ground:** Len Shearer Reserve, Marcus Ave, BOORAGOON

**Website:** [www.melvilleroar.com](http://www.melvilleroar.com)

## Change History

Version Number	Date Approved	Changed Items	Changed By
Original	07 Aug 12	Initial Version	MLAC Committee
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V1.1	06 Aug 13	Clause 8, 14, 25	MLAC Committee as directed by DOCEP to meet guidelines
V1.2	28 June 2016	Updates to reflect new requirements.	MLAC Committee

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## 1. NAME

- 1.1 The name of the Centre shall be the "Melville Little Athletics Centre Inc." (herein after referred to as the Centre) and shall compete under the competition name Melville Roar.

## 2. DEFINITIONS AND INTERPRETATIONS

- 2.1 Definitions. In this Constitution unless the contrary intention appears:

'**Act**' means the Associations Incorporation Act 2015 (WA);

'**Annual General Meeting**' or '**(AGM)**' means Centre Annual General Meeting;

'**Association**' means the Little Athletics Western Australia LAWA Incorporated;

'**Athlete**' means any registered athlete in both the Little or Senior Category

'**Board**' means the Association Board of Management;

'**By-Laws**' means the policies, procedures, rules and regulations of the Centre;

'**Commissioner**' means the person designated as the "Commissioner" from time to time under the Act.

'**Constitution**' means the Constitution of Melville Little Athletics Centre;

'**Centre**' means the Melville Little Athletics Centre Inc.;

'**Clubs**' means club affiliated with Melville Little Athletics Centre Inc;

'**Club Delegate**' means club member elected to represent the interests of the Club at Centre meetings;

'**Centre Delegate**' means Centre Executive member elected to represent the interests of the Centre at Association meetings;

'**Executive Committee**' means members elected to represent the interest of members through the administration of the Centre;

- 2.2 Interpretation. In this Constitution:

- a. Words importing any gender include the other genders; and
- b. The table of contents and any heading are for convenience only and do not affect the interpretation of these Rules.

## 3. AFFILIATION

- 3.1 The Centre shall be affiliated with Little Athletics Western Australia Inc. (herein after referred to as the Association). Affiliation will be maintained with the Association (or its successor[s]) as long as the Centre remains in existence. The affiliation year is from 1st May till 30th April the following year upon payment of the affiliation fee and completion of the official Association forms as set out by the Association Board of Management.

## 4. OBLIGATIONS TO THE ASSOCIATION

- 4.1 As a consequence of affiliation with the Association:
- a. The Centre shall be bound at all times to abide by the Constitution, Rules, Regulations & By-Laws of the Association,
  - b. Should the Centre fail to fulfil its obligations to the Association by virtue of unduly neglecting, disregarding or abusing the aims and/or powers set out hereunder, or otherwise operate in a manner not in the best interest of Little Athletics as a whole, the Association Board of Management shall be empowered to arrange a meeting with the centre Executive Committee to resolve the problems,
  - c. The Centre cannot change its name or part thereof without the expressed approval of the Association, and
  - d. The Association must approve the colour/configuration of the Centre uniform.
- 4.2 The Centre shall complete and submit the affiliation forms and pay the annual affiliation fee prior to 31 May each year, before accepting athlete registrations for the following season.
- 4.3 The Centre shall not have less than three (3) Clubs, excepting in circumstances where the Board considers that a Centre can still be maintained with less than three (3) Clubs. These Clubs shall be affiliated with the Centre and have voting rights at Centre meetings.
- 4.4 The Executive Committee shall submit to the AGM of the Centre, the annual report, audited Statement of Income and Expenditure, Auditors Report and Assets Schedule for the adoption by Club Delegates. At least one (1) copy shall be forwarded to each affiliated Club and one (1) copy to the Association, within thirty days (30) of the date of the Annual General Meeting of the Centre.

## 5. OBJECTS

- 5.1 The objects of the Centre are to:
- a. Provide recreational activity in the form of track and field competition for athletes within the age groups catered for by the Association and determined by the Centre Executive Committee;
  - b. Carry out the objects without fear or favour with respect to race, creed, sex, socio-economic status or level of ability;
  - c. Promote, manage and control Athletics within the Centre area;
  - d. Encourage family and community involvement in Athletics as a means of furthering the development of athletes;
  - e. Develop and maintain, the highest level of sporting endeavour and fair play;
  - f. Encourage the fullest participation by athletes and officials in all events conducted by the Association;
  - g. Facilitate an environment that allows for the transition from Little Athletics to Senior Athletics;
  - h. Co-ordinate the activities of all clubs affiliated with the Centre in accordance with the Constitution, Rules, Regulations and By-Laws of the Association; and

- i. Promote the idea of athletes participating in Athletics for personal satisfaction through improvement of their own level of performance in a wide range of events.
- j. Apply the property and income of the Centre solely towards the promotion of the aims of the Centre, with no part of the property or income to be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of these objects.

## 6. POWERS

6.1 The major powers of the Centre are to:

- a. Register boys and girls as little athletes in accordance with the Constitution, Rules, Regulations and By-Laws of the Association,
- b. Organise and control the conduct of athletics competition arranged by the Centre,
- c. Encourage, aid and facilitate the formation of affiliated clubs;
- d. Select teams of registered athletes to represent the Centre in approved competitions,
- e. Appoint delegates to attend Association meetings in accordance with the Constitution, Rules, Regulations and By-Laws of the Association,
- f. Purchase, hire, lease or otherwise acquire athletic or associated equipment for the Centre,
- g. Acquire, hold, deal with and dispose of any real or personal property,
- h. Open and operate bank accounts under the Centre,
- i. Invest and deal with, all monies, funds and assets of the Centre not immediately required for its purposes, in such a manner as, from time to time, the Centre may determine,
- j. Borrow monies upon the terms and conditions as the Centre sees fit,
- k. Give security for the discharge of the liabilities incurred by the Centre,
- l. Appoint agents to transact any business of the Centre on its behalf,
- m. Enter into any other contract the Centre considers necessary or desirable to assist in achieving its aim,
- n. Receive and accept donations, sponsorship, endowments or gifts of any property or assets whatsoever, and subject, or not subject to any special trusts or conditions,
- o. Impose and collect levies, subscriptions, fees and other charges from affiliated clubs and members as determined by the Centre,
- p. Propose and amend By-Laws in accordance with this Constitution from time to time,
- q. Develop, propose and amend policies for the efficient running of the Centre, and
- r. Approve all affiliated Club constitutions and By-Laws together with any changes made thereto.

## **7. MEMBERSHIP**

- 7.1 Membership shall be open to any person subscribing to the aims and policies of the Centre.
- 7.2 Each member of the Centre shall be bound by the Constitution, By-Laws and policies of the Centre.
- 7.3 Each member of the Centre shall be bound by the Constitution, Rules, Regulations and By-Laws of the Association.
- 7.4 The Centre will provide for the following categories of membership:
- a. Registered Little Athlete - do not have voting rights.
  - b. Ordinary Membership – parent/guardians/carers of registered athletes of the Centre.
  - c. Executive Committee Membership - open to ordinary members elected to the Executive Committee.
  - d. Life Membership:
    - (i) This category may be bestowed upon those members or former members for sustained meritorious service to the Centre.
    - (ii) Conferring of life membership should be by a formal motion and passed by 75% of the Executive Committee present. Nominations will also be generated automatically after 8 years of meritorious service on Centre/club committees with at least 5 of these served on the Centre Executive.
    - (iii) All Life Members must be of good character and community standing in order to maintain their life membership.
  - e. Athlete Life Membership – granted to any athlete who has competed at the Centre for at least 11 years from U7 to U17.
- 7.5 The members of the Centre acknowledge and agree that this Constitution and any By-Laws constitutes a contract between them and the Centre and that they are bound by this Constitution and any By-Laws.
- 7.6 The members of the Centre shall have no liability to contribute towards the payment of debts and liabilities of the Centre or the costs, charges and expenses of winding up the Centre except to the amount of any unpaid membership or application fees.

## **8. REGISTER OF MEMBERSHIP**

- 8.1 The Registrar, on behalf of the Centre, must comply with section 27 of the Act by keeping and maintaining in an up to date condition a register of the members of the Centre and their postal or residential addresses. Whilst the register is available for inspection by members, such requests shall be in writing through the Centre Executive in order to protect member rights, the Centre Executive will subsequently make a final determination on access to the register.
- 8.2 The register must be so kept and maintained at the Registrar's place of residence, or at such other place as the members at a general meeting decide.



- 8.3 The Registrar must cause the name of a person who dies or who ceases to be a member to be deleted from the register of members referred to in sub-rule (8.1)

## **9. MANAGEMENT OF THE CENTRE**

- 9.1 The day to day administration of the Centre shall be entrusted to the Executive Committee of no less than five (5) and a maximum of nine (9) positions, consisting of:
- a. Chairperson
  - b. Secretary
  - c. Treasurer
  - d. Registrar
  - e. Records and Results Manager
  - f. Championships and Officials Manager
  - g. Arena Manager
  - h. Equipment Manager
  - i. Seniors Manager

Note – One position will also fulfil the role of Deputy Chairman

- 9.2 At the discretion of the Executive Committee, the following non-executive positions may be appointed each year being reviewed annually:
- a. Publicity and Sponsorship Manager
  - b. Winter Competition Manager
  - c. Canteen manager
  - d. Assistant Records and Results Manager
  - e. First Aid Officer
  - f. Coaching and Development Manager
  - g. Uniform Manager
  - h. Website Manager
  - i. Council Liaison Officer
  - j. Any other position or role deemed necessary by the Executive Committee from time to time.

The above positions are not required to attend Centre Executive Meetings unless specifically invited to do so, however are required to submit a monthly report to the Centre Executive for inclusion in the minutes.

- 9.3 At the discretion of the Executive committee after the AGM each year, any of the above positions may be combined, provided that the Executive Committee has no less than 7 members in any one year.

- 9.4 Each Executive Committee member shall be elected at the Centre's Annual General Meeting for a term of one year.
- 9.5 Retiring Executive Committee members may re-nominate.
- 9.6 Election to the Executive Committee shall be open to any adult member who has been nominated and seconded by a member and upon acceptance by the said person nominated. Nominations and acceptances can also be received in writing prior to the AGM.
- 9.7 In the event of where there is more than one nomination for a position, voting for those persons nominated shall take place by way of secret ballot. The person with the majority of votes will be elected. The secret ballot will be conducted with written voting slips.
- 9.8 Due to individual circumstances, 2 or more people may share roles on the Executive Committee; however only one person can be formally elected to fill the position and this person has the voting rights as an Executive Committee member under this Constitution.
- 9.9 The Executive Committee shall meet monthly and club delegate meetings will be held bi-monthly.

## **10. CASUAL VACANCIES**

- 10.1 A casual vacancy of the Executive Committee occurs if a member:
- a. Dies
  - b. Resigns by giving notice in writing.
  - c. Is permanently incapacitated by mental or physical health
  - d. Ceases to be a member of the Centre
  - e. Is subject to a resolution passed by a General Meeting of members terminating their appointment as an Executive Committee Member.
- 10.2 The Executive Committee can appoint a person to fill a vacant position, or nominate a member of the Executive Committee to fulfil the responsibilities and duties of a position that becomes vacant, until the next AGM.

## **11. RESIGNATIONS**

- 11.1 Members of the Executive Committee may tender a resignation at any time.
- 11.2 In the event that a resignation occurs, the Executive Committee shall canvass clubs initially, and appoint interested persons to fill the vacant position until the next AGM.
- 11.3 If more nominations are received than vacant positions, a Special General Meeting shall be conducted to consider the nomination and make the appointments.

## **12. SUB – COMMITTEES**

- 12.1 Sub-committees may, from time to time, be established for a particular purpose. The Chairperson on any sub-committee shall always be a member of the Executive Committee.

- 12.2 The sub-committee has authority to co-opt members on to the sub-committee.
- 12.3 As the sub-committee is set up for a particular purpose, once that purpose has been achieved the sub-committee must be terminated.

### **13. CENTRE EXECUTIVE GENERAL MEETINGS**

- 13.1 The Executive Committee shall conduct monthly meetings at a time and venue set by the Executive Committee, nominally 7pm first Tuesday of each month.
- 13.2 The method of conducting all monthly meetings is outlined in the By-Laws.
- 13.3 Membership of these meetings is open to;
- a. All members of the Executive Committee, and
  - b. Any member/s who wishes to address the Centre Executive. Requests to do so must be received by the centre secretary within 7 days of the meeting
- 13.4 Seven (7) days' notice of all monthly meetings shall be given to Executive Committee members, either verbally, electronically or in writing.
- 13.5 Proxy voting is not allowed.
- 13.6 The Centre Executive will also conducted bi-monthly meetings with club delegates with the purpose of discussing club or program specific items, communicate upcoming events or to ascertain feedback on the running of the Centre. These are open meetings.
- 13.7 Club Delegates must be advised, in writing to the Executive Committee following annual registration.
- 13.8 Replacement club delegates (either temporary or permanent) must be advised to the Centre Secretary, in writing, at or prior to the first available meeting the replacement will be attending.
- 13.9 A club delegate cannot also be a member of the Executive Committee.
- 13.10 Shared positions will only have one (1) vote.
- 13.11 A member holding more than one executive position may only cast one (1) vote.
- 13.12 The Chairperson does not vote unless a casting vote is required.
- 13.13 It is desirable that each club must be represented on the Executive Committee. A quorum for a Centre Executive Meeting shall consist of five (5) people .
- 13.14 If a quorum is not present within half an hour (30 minutes) after the scheduled commencement time of the meeting members may either:
- a. Adjourn the meeting to another date, not being later than fourteen (14) days from the date of the adjournment, or
  - b. Continue proceedings of the meeting. If the meeting proceeds, all decisions undertaken by the Executive Committee will not be valid until ratified by a meeting of the Executive Committee at which a quorum is present.

13.15 Once endorsed, minutes of all Centre Executive Meetings should be sent to clubs with appropriate briefing notes where applicable, seven days after the Executive Meeting..

## **14. ANNUAL GENERAL MEETING**

- 14.1 The AGM of the Centre shall be held every calendar year, preferably in May or within 4 months after the end of the Centre financial year, or such longer period as may in a particular case be allowed by the Commissioner.
- 14.2 It is the responsibility of the outgoing Executive Committee to determine the time, date and venue of the AGM.
- 14.3 The purpose of the AGM is to:
- a. Receive the Chairman's report on the activities and business of the Centre over the preceding 12 months,
  - b. Receive the Treasurer's report on the financial status of the Centre over the preceding 12 months, including the results of the Auditors report incorporating the Audited Statement of income and Expenditure, and Assets Schedule.
  - c. Receive reports from other Committee members,
  - d. Elect candidates to the positions on the Executive Committee. All positions will be declared vacant and written nominations will be sought prior to the AGM.
  - e. Where nominations to positions have not been received prior to the AGM, nominations may be called from the floor and voted on by the members.
  - f. Once the new Executive Committee has been duly elected, the proceedings for the remainder of the meeting shall continue to be conducted by the outgoing Chairperson.
  - g. Consider any proposed alterations to the Constitution, and
  - h. Transact any other business.
- 14.4 Twenty one (21) days' notice either written or in electronic form, for an Annual General Meeting shall be given to all affiliated clubs, Executive Committee Members and Ordinary members.
- 14.5 A Quorum for an AGM shall consist of one (1) person more than 50% of Executive Committee members and at least 50% of affiliated clubs are represented by at least one club member.
- 14.6 If a quorum is not present within half an hour (30 minutes) after the scheduled commencement time of the meeting members shall adjourn the meeting to another date, not being later than fourteen (14) days from the date of adjournment.
- 14.7 The right to vote at the AGM is restricted to Executive Committee Members and Club Delegates (maximum of two delegates from each club).
- 14.8 Proxy voting is not allowed.

## **15. SPECIAL GENERAL MEETING**

- 15.1 A Special General Meeting of the Centre may be called at any time subject to members being given twenty one (21) days' notice either written or electronically.
- 15.2 A Special General Meeting of the Centre may also be called by the majority of the Executive Committee or by a minimum of ten (10) ordinary members from at least three different affiliated clubs.
- 15.3 Advice to all affiliated club delegates of the pending Special General Meeting is considered suitable advice to members.
- 15.4 Quorum and voting rights are to be the same as for an Annual General Meeting.

## **16. REGISTRATION FEES**

- 16.1 A recommended annual registration fee for athletes at the Centre shall be set by the Executive Committee, prior to the commencement of each season.
- 16.2 The annual fee set shall consist of a portion for each of the following:
  - a. LAWA Registration fee,
  - b. Centre Registration fee,
  - c. Club Registration fee,
  - d. Facility Usage fee,
  - e. Charge per athlete for maintaining the Centre's results system, equipment and any other applicable cost to be incurred,
  - f. Fundraising fee, and
  - g. Any other incidental costs deemed necessary.

## **17. THE REQUIREMENTS OF A CLUB**

- 17.1 Any group within the Melville geographic location may form a club which shall be affixed to the Centre on payment of the annual fee fixed by the Executive Committee provided the club shall have:
  - a. A minimum number of twenty ( 30) athletes registered with the club.
  - b. At least two (2) adults responsible for the conduct of the club on competition days as well as four person committee who oversee the function and operations of the club.
  - c. A name and uniform approved by the Centre which shall be used in all official Centre competition.
  - d. The Club shall submit at the Annual General Meeting of the Centre the Annual Report and Statement of Income and Expenditure Account for the Club.
  - e. The Club shall provide the Centre Secretary with a copy of the Club Meeting Minutes after every club meeting with a minimum of four (4) meetings per year.

- f. A maximum of two delegates to represent the club at all meetings organised by the Centre.

## **18. ACCEPTANCE OF THE AFFILIATION OF A CLUB**

- 18.1 Each new and existing Club shall at the earliest possible date submit to the Secretary of the Centre for the approval and subsequent acceptance of the Club by the executive Committee:
  - a. The name and uniform of the club.
  - b. The names, addresses and phone numbers of at least two non-related administrators of the Club who shall be responsible for the Club.

## **19. APPOINTMENT OF DELEGATES**

- 19.1 Each affiliated Club shall be represented at Centre Delegate meetings by at least one (1) and no more than two (2) appointed Delegates.
- 19.2 Any other members of Clubs can attend Centre Delegate Meetings but cannot vote.
- 19.3 The names, addresses and phone numbers of Club Delegates must be provided to the Centre Secretary.

## **20. CONTINUATION OF AFFILIATION BY A CLUB**

- 20.1 In order that a Club shall continue to be accepted as affiliated to the Centre, the following rules shall be applied by the Executive Committee:
  - a. Where a Club fails to be represented at two consecutive Centre Delegate Meetings without the provision of a suitable reason the affiliation of the Club may be suspended for a period of time to be determined by the Centre Executive.
  - b. A Club failing to fulfil the requirements of the Rules and By-Laws of the Centre may have its affiliation suspended until such time as these requirements have been met.
  - c. Where in the opinion of the Centre Executive a Club has contravened the Constitution the Centre, the Club may have its affiliation suspended for a period of time to be determined by the Centre Executive.

## **21. ADMINISTRATION OF A CLUB**

- 21.1 Each Club shall be organised and administered by a Committee which shall conform to the requirements of the Centre Executive.

## **22. DISSOLUTION OF A CLUB**

- 22.1 In the event of a Club not able to function, or the Club has not been able to re-vitalise its membership to function according to the Rules of the Centre, the Centre Executive shall have the power to call a meeting for the purpose of dissolution of the Club or its re-vitalisation.
- 22.2 All assets of a defunct club shall be transferred to the control of the Centre to be held in trust for two (2) years before appropriate distribution within the Centre.

## **23. AMENDMENTS TO THE CONSTITUTION**

- 23.1 Amendments to the Constitution may be made at the AGM or a Special General Meeting called for the purpose of amending the Constitution provided that twenty-one (21) days' notice of this intention is given.
- 23.2 Amendments to the Constitution require 75% majority of club delegates present and willing to exercise their right to vote.
- 23.3 Proxy voting is not allowed.
- 23.4 Amendments to the Constitution which have been passed by the Centre shall be forwarded to the LAWA Board for approval, then once approved by the Board, lodged with the Department of Consumer Protection in accordance with provisions of the Act.
- 23.5 Amendments to the Constitution may also cause changed to be made to the Centre By-Laws.

## **24. AMENDMENTS TO THE BY-LAWS**

- 24.1 Amendments to the Centre By-Laws may be made at the Annual General Meeting, a Special General Meeting called for the purposes of amending the By-Laws, or a monthly meeting of the Executive Committee, provided twenty one (21) days' notice has been provided either in writing or electronically.
- 24.2 Amendments to the By-Laws require a simple majority of members present and willing to exercise their right to vote.
- 24.3 Proxy voting is not allowed.
- 24.4 Amendments to the Centre By-Laws, which have been passed by the Centre shall be forwarded to the Board for approval, before they are formally adopted Until this occurs the previous By-Laws remain in place.

## **25. DISSOLUTION**

- 25.1 If, upon the winding up of the Centre, any property of the Centre remains after the satisfaction of debts, liabilities and the costs, charges and expenses of the winding up, ownership of that property shall be transferred to:
  - a. In the first instance, the Little Athletics Western Australia Inc., or
  - b. Another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.

## **26. FUNDS MANAGEMENT**

- 26.1 The financial year of the Centre shall be from 1 April to 31 March.

- 26.2 Two signatories, not being from the same household, shall be required to sign all Centre cheques or authorise electronic funds transfers.
- 26.3 All monies received by the Centre shall be banked in the Centre's cheque account.
- 26.4 It is recognised that as a Tier 1 Association it is not a formal requirement however, an Audit of Accounts are to be conducted at least once in each financial year of the Centre. The accounts of the Centre shall be examined by an independent auditor,
- 26.5 The Treasurer of the Centre shall deliver to the auditor a list of all the accounts, books and records of the Centre.
- 26.6 Each Club is to submit a financial statement at the end of each season.
- 26.7 This audit should occur as close as possible to the AGM, following the financial year of the Centre,
- 26.8 The auditor shall certify as to the financial integrity of the accounts of the Centre,
- 26.9 In their report, and in certifying the accounts, the auditor shall state:
- a. Whether they have obtained the information required by them;
  - b. Whether in their opinion, the accounts have been maintained so as to exhibit a true and correct view of the financial position of the Centre according to the information at their disposal and the explanations given to them and as shown by the financial records of the Centre; and
  - c. Whether the rules relating to the administration of the funds of the Centre have been observed.

## **27. COMMON SEAL**

- 27.1 The common seal of the Centre shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or document except pursuant to the resolution of the Executive Committee and in the presence of the Manager and two members of the Executive Committee, both of whom shall subscribe their names as witnesses.
- 27.2 Even though an incorporated association does not have to use a common seal to execute contracts, the Centre may decide to use the seal on contracts and other formal documents as the official signature.

## **28. RECORDS OF THE CENTRE**

- 28.1 The Centre shall, upon written request from members, make all documents and records pertaining to the activities of the Centre available for inspection.
- 28.2 A Register of Members of the Centre and their postal or residential addresses shall be kept by the Registrar and maintained in a current state.
- 28.3 A record of financial information of the Centre shall be maintained in an up to date state, by the Treasurer.
- 28.4 Administrative records, including a copy of the current Constitution, minutes, and a record of current Committee Members shall be maintained by the Secretary.
- 28.5 A member requesting access to Centre records must demonstrate that the request is strictly for Centre business only.



## 29. CODES OF BEHAVIOUR

29.1 All members of the Centre shall:

- a. Treat all other members, the Executive Committee members and the respective clubs politely and with due respect and dignity.
- b. Not act in a manner unbecoming or demeaning to other members or another club.
- c. Not bring the Centre into disrepute.

29.2 All members of the Committee shall:

- a. Treat all other members, fellow Committee members and the respective clubs politely and with due respect and dignity.
- b. Not act in a manner unbecoming or demeaning to other members or another club.
- c. Not bring the Centre into disrepute.

## 30 DISPUTES AND MEDIATION

30.1 It is recognised that grievances or disputes may occur between

- (a) a member and another member; or
- (b) a member and the Association; or
- (c) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.

30.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

30.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

30.4 The mediator must be-

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement-
  - (i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association;
  - (ii) in the case of a dispute between a member or relevant non-member (as defined by sub-rule (1) (c)) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.

30.5 A member of the Association can be a mediator, though it is preferable that they have a level of training or skill in mediation.

30.6 The mediator cannot be a member who is a party to the dispute, or has a known conflict of interest to either party in the dispute process. .

30.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

30.8 The mediator, in conducting the mediation, must-

- (a) give the parties to the mediation process every opportunity to be heard;
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

30.9 The mediator must not determine the dispute, however agreed outcomes are binding on all parties.

30.10 The mediation must be confidential and without prejudice.

30.11 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.