

RULES OF ASSOCIATION

1.0 Name of Association

The name of the Association is Heathridge Residents' Association Inc.

2.0 Definitions

The following definitions apply:

“the Act” means the Associations Incorporation Act 1987;

“annual general meeting” (AGM) means the meeting convened under sub-rule 17.3.

“associate member” as referred to in sub-rule 5.2.2;

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

“the Committee” as referred to in rule 10;

“committee meeting” means a meeting referred to in sub-rule 17.1;

“Committee member” means person referred to in sub-rules 9.1;

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

“financial year” means a period fixed by the Committee, commencing on the date of incorporation of the Association and ending on 30 June; and thereafter each period commencing 1 July and ending on 30 June in the following year.

“full member” as referred to in sub-rule 5.2.1;

“general meeting” means a meeting to which all members are invited;

“life (honorary) member” as referred to in sub-rule 5.2.3;

“member” refers to a member of the Association;

“member profile” refers to inclusion of details as agreed by Committee;

“member register” refers to rule 8.0;

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

“poll” means voting conducted in written form (as opposed to a show of hands);

“special general meeting” as referred to in sub-rule 17.4;

“special resolution” has the meaning given by section 24 of the Act, see sub-rule 17.5

3.0 Aims and Objectives

3.1 Aims

The Association will act on behalf of Heathridge residents, ratepayers, and tenants in protecting and improving quality of life and developing the natural, infrastructural and community assets within our area.

3.2 Objectives

3.2.1 The Association will interact with the residents, agencies, local government and others, as a lobby group on behalf of our community.

3.2.2 The Association will organise public meetings to inform residents on topical issues.

3.2.3 The Association will directly disseminate information to keep the community informed and maintain a web site which will be accessible to all stakeholders.

3.2.4 The Association will seek ideas, feedback and support from the local community.

3.2.5 Where it is deemed necessary, the Association will take affirmative action on specific issues that affect the community as a whole.

3.2.6 The Association will also take action on issues that are seen to have a negative impact on the community in the future.

3.2.7 The Association will invest its money -
(i) in any security in which trust monies may lawfully be invested; or
(ii) in any other manner authorised by the rules of the Association.

3.2.8 The property and income of the Association shall be applied solely towards the promotion of the objectives of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objectives or by way of reimbursement.

4.0 Powers of Association

4.1 The Association has the powers of an individual.

4.2 The powers conferred on the Association are as set out in section 13 of the Act and include: the power to open and operate bank accounts; make investments; buy, sell or lease property; enter into loan agreements; apply for funding; employ and terminate staff, or otherwise alter an existing contractual arrangement; appoint consultants; and undertake any other lawful activities necessary to carry out the stated objectives of the Association.

4.3 The Association has the power to interact with governing and regulating bodies and agencies in ways required to carry out the aims and objectives of the Association.

5.0 Membership of Association

5.1 Eligibility

To be eligible for full membership each person or organisation must -

- 5.1.1 be a resident and/or residential landowner within Heathridge boundaries,
- 5.1.2 subscribe to the purposes of the Association,
- 5.1.3 be of voting age, i.e. 18 years or older,
- 5.1.4 apply on the prescribed application form,
- 5.1.5 have the application approved by the Committee at its discretion,
- 5.1.6 pay the prescribed fee, and
- 5.1.7 should the applicant be rejected, they may appeal within 14 days of that rejection and be able to present their case to a general meeting.

To be eligible to be an associate member of the association the following requirements must be met:

- 5.1.8 Be a nominated delegate of a community organisation, business or company that is not a resident and/or residential landowner within Heathridge boundaries
- 5.1.9 Rules 5.1.2 to 5.1.7 apply

5.2 Membership categories

Memberships are not transferrable.

Membership will be for one of the following categories:

- 5.2.1 **Full Member:** A person or organisation meeting rules 5.1.1 to 5.1.7 will have full voting rights and be eligible for election to the Committee.
- 5.2.2 **Associate Member:** A community organisation, company or business meeting rules 5.1.8 and 5.1.9. The nominated delegate has no voting rights and cannot be elected to the Committee. However, they may be an ex officio member of any working group as decided by the Committee.
- 5.2.3 **Life Member (Honorary):** A person meeting rules 5.1.1 to 5.1.7, which shall have the same voting rights and eligibility to hold office as a Full Member. Number of persons who can be appointed as a Life member is limited to one person in any one year; process of termination of membership of a Life Member is as for Full Member.

- 5.2.4 **Patron:** A person who has distinguished himself or herself in community service may be invited to be patron or vice-patron of the Association, for a term of office as decided by the Committee.

5.3 Fees

- 5.3.1 The members may, at an AGM, determine the amount of fees to be paid by each member.
- 5.3.2 Initially, membership fees will be \$15.00 per household, per annum or \$25.00 for two (2) years.
- 5.3.3 Each member must pay the annual fee (sub-rule 5.3.1) on receipt of the membership renewal notice or before the 1st July, or such other date as the Committee from time to time may determine. Fees are paid in advance of the membership term.

If fees have not been paid by 1st July, you are considered to be an un-financial member and will have no voting rights. Membership will lapse when fees have not been paid by 30 September in that same calendar year or at such other date as the Committee may from time to time determine.

6.0 Termination of membership

- 6.1 Membership of the Association may be terminated upon:
- 6.1.1 receipt by the Chairperson or Secretary of a member's notice in writing of their resignation from the Association.
- 6.1.1.1 The resignation takes effect at—
- a) The time the notice is received by the Chairperson or Secretary; or
- b) If a later time is stated in the notice, the later time.
- 6.1.2 non-payment by a member of their subscription within three months of the date fixed by the Committee for subscriptions to be paid; or
- 6.1.3 expulsion of a member in accordance with sub-rule 7.1; or
- 6.1.4 on the death of the member,
- 6.1.5 membership entitlements are not transferable. A right, privilege or obligation which a person or household has, by reason of being a member of the Association:
- a) cannot be transferred or transmitted to another person,
- b) is terminated upon cessation of the person's membership.

7.0 Suspension or Expulsion of members of Association

- 7.1 The Committee may suspend or expel a membership if the member—
- 7.1.1 is convicted of an indictable offence; or
 - 7.1.2 does not comply with any of the provisions of these rules; or
 - 7.1.3 has membership fees in arrears for at least 3 months;
 - 7.1.4 conducts him- or herself in a way considered to be injurious or prejudicial to the character or interests of the Association.
- 7.2 Before the Committee terminates a membership, the Committee must give the member a full and fair opportunity to show why the membership should not be terminated.
- 7.3 If, after considering all representations made by the member, the Committee decides to terminate the membership, the Secretary of the Committee must give the member a written notice of the decision.

7.4 Process of Appeal

If the Committee considers that a member should be suspended or expelled from membership of the Association because their conduct is detrimental to the interests of the Association, the Committee must communicate in writing to the member -

- 7.4.1 notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion will be decided; and
 - 7.4.2 available particulars of that conduct, and
 - 7.4.3 not less than 14 days before the date of the Committee meeting referred to in sub-rule 7.4.1.
- 7.5 At the Committee meeting referred to in a notice communicated under sub-rule 7.4.1 the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to the Committee, suspend or expel or decline to suspend or expel that member from membership of the Association and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.
- 7.6 Subject to sub-rule 7.7, a member has their membership suspended or ceases to be a member 14 days after the day on which the decision to suspend or expel a member is communicated to him or her under sub-rule 7.5.
- 7.7 A member who is suspended or expelled under sub-rule 7.5 must, if they wish to appeal against that suspension or expulsion, give notice to the Secretary of their intention to do so within the period of 14 days referred to in sub-rule 7.6.

If the Secretary receives a notice of intention to appeal, the Secretary must, within one month after receiving the notice, call a general meeting

to decide the appeal.

7.8 When notice is given under sub-rule 7.7-

7.8.1 The Association in a general meeting, must either confirm or set aside the decision of the Committee to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing, to the Association in the general meeting; and

7.8.2 The member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to suspend or expel him or her is confirmed under this sub-rule.

8.0 Register of Members

The Secretary will, on behalf of the Heathridge Residents' Association Inc., maintain and keep secure, a register of members in accordance with Section 27 of the Act. A member profile will also be kept by the Secretary, the details of which to be agreed by Committee.

The Secretary will cause the name of a deceased member or who ceases to be a member under sub-rule 7.1 to be deleted from the register of members.

8.1 The register must include the following particulars for each member—

- a) the full name of the member;
- b) the postal and/or residential address of the member;
- c) any other particulars which the Committee at a general meeting may decide.

8.2 The register must be open for inspection by members of the Association at all reasonable times.

8.3 The Committee is to be notified of the request for register inspection and that request will be minuted at the next general meeting.

8.4 A member of the Association must not—

8.4.1 Use information obtained from the register of members of the Association to contact, or send material to, another member of the Association for the purpose of advertising for political, religious, charitable or commercial purposes; or

8.4.2 Disclose information obtained from the register to someone else, in the knowledge that the information is likely to be used to contact, or send material to another member of the Association for the purpose of advertising for political, religious, charitable or commercial purposes.

8.5 Sub-rule 8.4 does not apply if the use or disclosure of the information is approved by the Committee.

9.0 Management of the Association

The Committee will function and will have general control and management of the affairs of the Association as set down under Rule 4.0 to 4.3 of the Heathridge Residents' Association Inc.

- 9.1 Members of the Committee must be elected to membership of the Committee through the nomination process sub-rule 9.2.2 at an annual general meeting or as appointed under sub-rule 10.2. Term of office for members of the Committee will be from his or her election at the annual general meeting until the election referred to in sub-rule 10.2.1 at the next annual general meeting after his or her election.
- 9.2 A member of the Committee may only be elected as follows:
- 9.2.1 Any two (2) members may nominate another member (the ***candidate***) to serve as a member of the Committee;
- 9.2.2 The nomination must be—
- a) in writing, on the nominated form; and
 - b) signed by the candidate and the members who nominated him or her; and
 - c) given to the Secretary at least 14 days before the annual general meeting at which the election is to be held.
- 9.2.3 Each member present and eligible to vote at the annual general meeting may vote for one (1) candidate for each vacant position on the Committee.
- 9.2.4 If, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- 9.3 A person may be a candidate only if the person—
- 9.3.1 is not ineligible to be elected as a member under section 61A of the Act.
- 9.3.2 Meets the requirements of sub-rules 5.2.1 and 5.2.3

10.0 Committee of Management

10.1 The Committee of Management will consist of:

Office Bearers:

- a) A Chairperson,
- b) A Vice-Chairperson
- c) A Secretary
- d) Treasurer

NOTE: The positions of Secretary and Treasurer may be combined.

General Committee:

- e) No less than two (2) and no more than five (5) other Committee members

10.2 Should a casual vacancy in the Committee occur, a member of the Association may be appointed by the Committee to fill that vacancy -

10.2.1 A member appointed under sub-rule 9.1 will

- a) hold office until the election referred to in sub-rule 9.1, and
- b) be eligible for election to membership of the Committee at the next following annual general meeting.

11.0 Chairperson and Vice-Chairperson

11.1 Subject to this rule, the Chairperson must preside over all general meetings and Committee meetings.

11.2 In the event of the absence from a general meeting of –

- a) the Chairperson, the Vice-Chairperson; or
- b) both the Chairperson and the Vice-Chairperson,

a member elected by the other members present at the general meeting must be present at the general meeting.

11.3 In the event of the absence from a Committee meeting of –

- a) the Chairperson, the Vice-Chairperson; or
- b) both the Chairperson and the Vice-Chairperson,

a Committee member elected by the other Committee members present at the Committee meeting.

12.0 Secretary

The Secretary must –

- 12.1 co-ordinate correspondence of the Association;
- 12.2 keep full and correct minutes of the proceedings of the Committee and of the Association;
- 12.3 comply on behalf of the Association with –
 - 12.3.1 section 27 of the Act with respect to the register of members of the Association, as referred to in rule 8.0;
 - 12.3.2 section 28 of the Act by keeping and maintaining in an up to date condition the rules of the Association and, upon the request of a member of the Association, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
 - 12.3.3 section 29 of the Act by maintaining a record of –
 - a) the names and residential or postal addresses of the persons who hold the offices of the Association provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the common seal of the Association under rule 18.0; and
 - b) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Association;
 - c) and the Secretary must, upon the request of a member of the Association, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;
 - 12.3.4 unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c) but other than those required by rule 13 to be kept and maintained by, or in the custody of, the Treasurer; and
 - 12.3.5 perform such other duties as are imposed by these rules on the Secretary.
- 12.4 Inspection of records, etc. of Association.
 - 12.4.1 A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

13.0 Treasurer

The Treasurer must:

- 13.1 be responsible for the receipt of all monies paid to or received by him or her on behalf of the Association and must issue receipts for those monies in the name of the Association;
- 13.2 pay all monies referred to in paragraph 13.1 into such account or accounts of the Association as the Committee may from time to time direct;
- 13.3 make payments from the funds of the Association with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by him- or herself and at least one other authorised Committee member, or by any two others as are authorised by the Committee;
- 13.4 comply on behalf of the Association with sections 25 and 26 of the Act with respect to the accounting records of the Association by:-
 - a) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - b) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
 - c) keeping its accounting records in such a manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and
 - d) submitting to members at each annual general meeting of the Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year.
- 13.5 whenever directed to do so by the Chairperson, submit to the Committee a report, balance sheet or financial statement in accordance with that direction.
- 13.6 unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs 13.4 and 13.5; and
- 13.7 perform such other duties as are imposed by these rules on the Treasurer.

14.0 Resignation, removal or vacation of office

- 14.1 A Committee member may resign from the Committee by giving written notice of resignation to each member of the Committee.
- 14.2 The resignation takes effect at—
 - a) the time the notice is received by the Committee; or

b) if a later time is stated in the notice, the later time

- 14.3 A Committee member may be removed from office by way of a special resolution at a special general meeting of the Association, if a majority of the members present and eligible to vote at the meeting, vote in favour of removing the member.
- 14.4 Before a vote of Committee members is taken about removing the Committee member from office, the Committee member must be given a full and fair opportunity to show just cause why they should not be removed from office.

15.0. Functions of Committee of Management

- 15.1 Subject to these rules or an ordinary resolution of the members of the Association carried at a general meeting, the Committee has the general control and management of the administration of the affairs, property and funds of the Association.
- 15.2 The Committee has authority to interpret the meaning of these rules and any matter relating to the Association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.
- 15.3 The Committee may exercise the powers of the Association as set out in rule 4.0.

16.0 Proceedings of Committee of Management

- 16.1 Each Committee member has a deliberative vote, and
- 16.1.1 a vote can be in any manner approved by Committee.
- 16.2 A question arising at a Committee meeting must be decided by a majority of votes, but if there is no majority, the Chairperson at the meeting will have a casting vote in addition to their deliberative vote.
- 16.3 Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.
- 16.4 As required under sections 21 and 22 of the Act, a Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by or in the contemplation of the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established), must-
- 16.4.1 as soon as they become aware of that interest, disclose the nature and extent of their interest to the Committee; and

16.4.2 not take part in any deliberations or decisions of the Committee with respect to that contract. Sub-rule 16.4.1 does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Committee is an employee of the Association.

16.5 The Secretary must cause every disclosure made under sub-rule 16.4.1 by a member of the Committee to be recorded in the minutes of the Committee meeting at which it is made.

17.0 Meetings and Passing Resolutions

17.1 Committee Meetings

- 17.1.1 Subject to this rule, the Committee may meet and conduct its proceedings, as it considers appropriate.
- 17.1.2 The Committee must meet at least once every four (4) months to exercise its functions with a quorum of five (5) Committee members, including at least one (1) office bearer.
- 17.1.3 The Committee must decide how a meeting is to be called.
- 17.1.4 Notice of a meeting is to be given in the way decided by the Committee.
- 17.1.5 The Committee may hold meetings, or permit a committee member to take part in its meetings, using any technology that reasonably allows the member to hear and take part in discussions as they happen. A committee member who participates in the meeting as mentioned in sub-rule 17.3.2 is taken to be present at the meeting.
- 17.1.6 Minutes of meetings are to be verified and seconded by the Chairperson and another Committee member. Committee minutes are not for general circulation.

17.2 General Meetings

- 17.2.1 The Committee will hold a minimum of two (2) general meetings with no more than six months in between and may at any time convene a general meeting.
- 17.2.2 A quorum for a general meeting will require at least five (5) Committee members, including at least one (1) office bearer, and three (3) ordinary members to be present at the meeting,

Where a quorum requirement cannot be met, the meeting will be reclassified as a committee meeting.

- 17.2.3 Notice of a general meeting will be given to the members:
- a) No less than 14 days preceding the meeting,
 - b) Using no less than three (3) of the following formats;
 - Website posting,
 - Email distribution (by default),
 - Letter, via prior arrangement,
 - Posters on community notice boards,
 - Letterbox drop
- 17.2.4 The Secretary, after receiving a notice under rule 5.1.7 and/or 7.7 must convene a general meeting to deal with the appeal to which that notice relates, no later than 30 days after receiving said notice.
- 17.2.5 General meetings are restricted to the passing of ordinary resolutions only.
- 17.2.6 An ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to rule 17.2.7.
- 17.2.7 A poll may be demanded by the Chairperson or by three (3) or more members present in person or by proxy and, if so demanded, must be taken in such manner as the Chairperson directs.
- a) If a poll is demanded and taken under this rule in respect of passing a resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.
 - b) A poll demanded under 17.2.7 must be taken immediately on that demand being made.

17.3 Annual General Meetings

- 17.3.1 The AGM will be held within four (4) months of the end of the Association's financial year on a day to be determined by the Committee of Management.
- 17.3.2 Subject to rule 17.5, not less than 21 days written notice is to be given of the AGM and the notice will specify the venue, date, time and list retiring members of the Committee. This notice must be served to each member by sending it in the post using the postal address on the member register.
- 17.3.3 Fifty percent (50%) of office bearers and fifty percent (50%) management committee members will be required to attend the AGM in person and will count towards the one third of the association membership, whom will be required to attend in person or by proxy to constitute a quorum.

- 17.3.3 The business of the AGM will be to:
- a) accept the minutes of the previous AGM and of any special general meetings held since that meeting,
 - b) receive and accept the Chairperson's annual report,
 - c) receive and accept the financial report,
 - d) present annual report,
 - e) elect Committee members,
 - f) conduct any other business item received, in writing, seven days prior to the meeting date.
- 17.3.4 The Chairperson will act as Returning Officer as required if an election is deemed necessary.
- 17.3.5 Both ordinary and special resolutions can be passed at an annual general meeting. Refer to sub-rule 17.2.6 for the processing of an ordinary resolution and to rule 17.5 for the processing of a special resolution.

17.4 Special General Meetings

- 17.4.1 The Chairperson will call a special general meeting of the Association within 30 days of receiving a directive from the Committee, or a written request of three Committee members, or from six members, or one half of the members, whichever is less. The request must be signed by the members and must specify the business to be carried out at that meeting.
- 17.4.2 Subject to sub-rule 17.5.1, a notice of the special general meeting must be given to all members not less than 14 days preceding that meeting and must state the date, time, venue and the nature of the business to be transacted.
- 17.4.3 Notice must be served to a member by sending it in the post using the postal address on the member register.
- 17.4.4 A quorum will consists of fifty percent (50%) of office bearers and fifty percent (50%) management committee members attending the special general meeting in person or by proxy, and will count towards the one third of the association membership.
- 17.4.5 Both ordinary and special resolutions can be passed at a special general meeting. Refer to sub-rule 17.2.6 for the processing of an ordinary resolution and to rule 17.5 for the processing of a special resolution.

17.5 Special Resolutions

17.5.1 A special resolution may be moved either at a special general meeting or at an annual general meeting; however, the Secretary must give all members not less than 21 days' notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rules 17.3.2 and 17.4.2, as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.

17.5.2 A special resolution when put to the vote will be decided in accordance with section 24 of the Act as defined in rule 2.;

A resolution is a special resolution if it is passed by a majority of not less than three-fourths (75%) of the members of the Association who are entitled under the rules of the Association to vote and vote in person or, where proxies or postal votes are allowed by the rules of the association by proxy or postal vote, at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.

At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded.

17.5.3 In the case of a poll being demanded, rule 17.2.7 is to be followed.

18.0 Voting Rights of Members of the Association

18.1 Subject to these rules, each member present, in person or by proxy, at a general meeting is entitled to a deliberative vote.

19.0 Proxies of members of Association

19.1 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.

20.0 Rules of Association

20.1 The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act.

20.2 These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

21.0 Common Seal of Association

- 21.1 The Association must have a common seal on which its corporate name appears in legible characters.
- 21.2 The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded in the minute book referred to in rule 16.5
- 21.3 The affixing of the common seal of the Association must be witnessed by any two of the Chairperson, the Secretary and the Treasurer.
- 21.4 The common seal of the Association must be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

22.0 Disputes and mediation

- 22.1 The grievance procedure set out in this rule applies to disputes under these rules between-
 - 22.1.1 a member and another member; or
 - 22.1.2 a member and the Association; or
 - 22.2.3 non-members who receive services from the Association, and the Association, if the Association provides services to non-members.
- 22.2 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.
- 22.3 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.
- 22.4 The mediator must be-
 - 22.4.1 a person chosen by agreement between the parties; or
 - 22.4.2 in the absence of agreement-
 - a) in the case of a dispute between a member and another member, a person appointed by the Committee of Management;
 - b) in the case of a dispute between a member, or relevant non-member as defined by sub-rule 22.2.3 and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 22.5 A member of the Association can act as a mediator.
- 22.6 The mediator cannot be a member who is a party to the dispute.

- 22.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 22.8 The mediator, in conducting the mediation, must-
- 22.8.1 give the parties to the mediation process every opportunity to be heard, as determined by a mediator,
- 22.8.2 allow due consideration by all parties any written statement submitted by any party; and
- 22.8.3 ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 22.9 The mediator must not determine the dispute.
- 22.10 The mediation must be confidential and without prejudice.
- 22.11 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.

23.0 Distribution of surplus property on winding up of Association

- 23.1 If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another Association incorporated under the Act which has similar objectives 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.