

GEOGRAPHE BAY YACHT CLUB (INCORPORATED)

RULES

1. NAME OF ASSOCIATION

The name of the association is Geographe Bay Yacht Club (Incorporated)

2. OBJECTS OF THE CLUB

The objects of the Club are:

- (a) To foster and encourage sailing generally and racing between sailing yachts.
- (b) To promote social activities between members of the Club and to provide such privileges and amenities as deemed appropriate.
- (c) To affiliate with any other club, association or any federation having similar interests or objects.
- (d) To do all things incidental to or not inconsistent with the above.

3. INTERPRETATION

3.1 Terms used

In these Rules, unless the contrary intention appears —

Act means the *Associations Incorporation Act 2015*;

Active sailing member means an owner, part owner or crew of a boat registered with the Club.

Association means the incorporated association to which these Rules apply, herein referred to as the Club.

Books include all of the registers; financial records, financial statements or financial reports, as each of those terms is defined in section 62 of the Act, however compiled, stored or recorded; minute books and documents and securities of the Club.

By-laws are additional arrangements or processes adopted by members by Ordinary Resolution of the Club to supplement these Rules. They do not form part of the Rules and are not required to be lodged with the Commissioner.

Commissioner means the person for the time being designated as the Commissioner under the Act;

Committee means the management committee of the Club;

Committee meeting means a meeting of the committee;

Committee member means a member of the committee;

Financial member has the meaning given in Rule 8.1

Financial records includes —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain —
 - (i) the methods by which financial statements are prepared; and
 - (ii) adjustments to be made in preparing financial statements;

Financial report, has the meaning given in section 63 of the Act;

Financial statements has the meaning given in section 62 of the Act;

Financial year, of the Association, has the meaning given in Rule 21.1;

General meeting means a meeting of the Club that all members are entitled to receive notice of and to attend;

Member means a person who becomes a member of the Club under these Rules;

Ordinary Resolution means a resolution to decide a question, matter or resolution at a General Meeting that is not a Special Resolution;

Poll means voting conducted in written form which may include, but is not limited to a secret ballot (as opposed to general agreement or a show of hands);

Register of members means the register of members referred to in section 53 of the Act;

Rules means these Rules of the Club, as amended from time to time under Rule 27;

Secretary means the committee member holding office as the Secretary of the Club;

Special General Meeting means a general meeting of the Club other than the annual general meeting;

Special Resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

Subcommittee means a Subcommittee appointed by the Committee under Rule 10.2

Tier 1 Association means an incorporated association to which section 64(1) of the Act applies;

Tier 2 Association means an incorporated association to which section 64(2) of the Act applies;

Tier 3 Association means an incorporated association to which section 64(3) of the Act applies;

Treasurer means the committee member holding office as the treasurer of the Club.

Visitor means a person for the time being as defined under the *Liquor Control Act 1988*.

3.2 Interpretation

Words importing the feminine gender, masculine gender, singular or plural numbers shall include the masculine gender feminine gender, plural numbers and singular numbers respectively.

4. SEAL HOLDERS

Seal holders shall be the Commodore and the Secretary for the time being and the seal shall be kept in the custody of the Club Manager or, in the event there is no Club Manager, in the custody of the Secretary.

5. BECOMING A MEMBER

5.1 Qualifications for Membership

- (a) Any person who supports the objects or purposes of the Association is eligible to apply to become a member.
- (b) An individual who has not reached the age of 18 years is not eligible to apply for a class of membership that confers full voting rights.
- (c) The by-laws of the Club made under Rule 14 may require members to hold specific educational, trade, professional or qualifications appropriate to the objectives of the Club.

5.2 Classes of Members

- (a) There shall be the following classes of membership of the Club:
 - (i) Senior Members
 - (ii) Honorary Life Members
 - (iii) Junior Members
 - (iv) Family Members
 - (v) Honorary Members
 - (vi) Non-Sailing (Social)
 - (v) Double Family Members
 - (vi) Temporary Members
 - (vii) Affiliated Clubs or Association Member
 - (viii) Casual Sailing Member
 - (ix) Corporate Member
- (b) The Club consists of Ordinary Members provided for under subrule (c) and Associate Members provided for under subrule (d).
- (c) The Club may have any class of Ordinary Membership as determined by a resolution of members at a General Meeting, and wherever the expression Ordinary Member is used hereinafter, such expression shall be deemed to include a Senior Member, Honorary

Life Member, and those Senior Members in a Family and Double Family Membership class.

- (d) The Club may have any class of Associate Membership determined by resolution of Members at a General Meeting, including Junior Members and Non- Sailing (social) Member, Honorary Member, Temporary Member, Affiliated Clubs or Associations, Casual Sailing Member and Corporate Member classes.
- (e) A person can only be an Ordinary member or belong to one class of Associate Membership.
- (f) An Ordinary Member has full voting rights and any other rights conferred on members by these Rules and any other rights or benefits as determined by the Committee or determined by resolution of members at a General Meeting.
- (g) Except where provided for under Rule 5.18, an Associate member has no right to vote, but have all the rights provided to a member under the Rules and any other rights or benefits as determined by the Committee or determined by resolution of members at a General Meeting.

5.3 Minimum Number of Members

The Club must have at least six members with full voting rights.

5.4 Applying for Membership

- (a) A person who wants to become a member must apply in writing to the Club.
- (b) The applicant must specify in the application the class of membership, if there is more than one, to which the application relates.

5.5 Dealing with Membership Applications

- (a) The Committee must consider each application for membership of the Club and decide whether to accept or reject the application.
- (b) Subject to subrule (c), the Committee must consider applications in the order in which they are received by the Club.
- (c) The Committee may delay its consideration of an application if the Committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (d) The Committee must not accept an application unless the applicant —
 - (i) is eligible under Rule 5.1; and
 - (ii) has applied under Rule 5.4.
- (e) The Committee may reject an application even if the applicant —
 - (i) is eligible under Rule 5.1; and
 - (ii) has applied under Rule 5.4.

- (f) The Committee must notify the applicant of the Committee's decision to accept or reject the application as soon as practicable after making the decision.
- (g) If the Committee rejects the application, the Committee is not required to give the applicant its reasons for doing so.

5.6 Election of Members

- (a) Every application for election to the Club as an Ordinary or Junior Member shall be nominated by a Financial Ordinary Member of the Club of not less than one year's standing.
- (b) A Junior Member application must be endorsed by a parent or guardian prior to the nomination being decided by the Committee.
- (c) The election of an applicant for membership may be decided by a secret ballot of the members of the Committee present at a Committee meeting and if on a counting of the votes there shall be one (1) or more votes against the election of the candidate in every four (4) votes recorded, the candidate shall not be elected, but otherwise the candidate shall be elected.
- (d) In the event of a candidate not being elected, the subscription fee and nomination fee deposited by the candidate shall be refunded in full.

5.7 Becoming a Member

- (a) An Applicant becomes a member if:
 - (i) the Applicant is eligible for membership under Rule 5.1;
 - (ii) the Applicant applies in writing to the Club under Rule 5.4;
 - (iii) the Committee approves the Applicants application for membership; and
 - (iv) the Applicant pays the fees due under Rule 8.1
- (b) The Applicant immediately becomes a member and is entitled to exercise all the rights and privileges of membership, including the right to Vote (if applicable, and must comply with all the obligations of membership under these Rules, when subrule (a) has been fulfilled

5.8 Recording Membership in the Register

- (a) The Secretary must enter each members name in the Register referred to under Rule 15.1, within 28 days after the person becomes a member.

5.9 Patron

By a simple majority vote at the Annual General Meeting of the Club, members may elect as Patron of the Club a person who is willing to accept office for a period of two (2) years and may confer Honorary Life Membership upon the Patron of the Club. At the same meeting members may elect no more than four (4) Vice Patrons of the Club from persons willing to accept office.

5.10 Honorary Life Members

- (a) Persons who have rendered outstanding service to the Club may, upon the recommendation of the Committee, and confirmed by a vote of seventy five (75) percent of the members present at any properly constituted General Meeting be elected Honorary Life Members of the Club, provided that not more than two (2) Honorary Life Members may be elected each year.
- (b) An Honorary Life Membership may be terminated upon the recommendation of the Committee and confirmed by the resolution of the majority of the members present at any properly constituted General Meeting.
- (c) The Club shall have no more than 25 Honorary Life Members at any one time.

5.11 Honorary Members

- (a) Members of a recognised yacht or sailing club from ports outside a radius of thirty six (36 kilometres from the Geographe Bay Yacht Club house and who are temporarily resident within such radius, may be elected Honorary Members.
- (b) Subject to subrule (a) other persons interested in yachting who are temporarily resident within the nominated radius may be elected Honorary Members.
- (c) The name, address and occupation or profession of the elected Honorary Member shall be entered into a register kept for the purpose and such entry shall be signed by the proposer and also by two other members of the Committee, and upon such entry being made and signed, the candidate shall be duly elected.
- (d) The Committee may, at its discretion, at any time terminate an Honorary Membership.
- (e) All Honorary Members shall be elected for a period of one (1) calendar month dating from the date of election, but the Committee may extend such Honorary Membership for any period not exceeding three (3) calendar months.

5.12 Senior Members

Senior Member class includes all persons eighteen (18) years and over, who have been elected as a Senior Member, paid full membership fees, and are entitled to all privileges under the Rules.

5.13 Non-sailing Members (Social)

All persons who wish to associate themselves with the Club but do not wish to be active sailing members may apply under Rule 5.4 for a Non-Sailing Member (Social) class of membership and if elected shall have no voice or vote in the management of the Club.

5.14 Family Members

- (a) Family membership includes the parents and their children who meet the criteria of a Junior Member under Rule 5.16 of the one (1) family and who wish to sail or be associated with the Club.

- (b) Only one (1) parent in the Family Membership class may be a Senior Member and entitled to a voice and vote in the management of the Club, but otherwise each parent may be accorded Senior Member privileges under the Rules.

5.15 Double Family Members

- (a) A Double Family Membership includes the parents and any number of their children who meet the criteria of a Junior Member under Rule 5.16, of the one (1) family and who wish to sail or be associated with the Club.
- (b) Only Two (2) Senior Members of a Double Membership class may have a voice and vote in the management of the Club and be entitled to all Senior Member privileges under the Rules.

5.16 Junior Members

- (a) Those members aged under eighteen (18) years of age at the commencement of the membership year shall be deemed Junior Members.
- (b) A Junior Member who upon attaining the age of eighteen (18) years may apply for Senior Membership provided they make a formal application to the Committee to be elected a Senior Member.
- (c) A Junior Member shall have no voice or vote in the management of the Club.
- (d) Subject to subrule (e), a Junior Member shall be permitted to enter and remain on the Club premises.
- (e) A Junior Member is only permitted to be in the bar area in the presence of a responsible adult.

5.17 Temporary Members

A person who is on any day visiting the Club as a member or an official of, or a person assisting a team that is to contest a pre-arranged event in that sport on that day, may be taken to be a person who is afforded Temporary Membership on that day.

5.18 Affiliated Clubs or Associations

- (a) Affiliated Clubs or Associations include those organisations that have aims and objects that are compatible with the aims and objectives of the Club.
- (b) A member of an Affiliated Club or Association may apply for membership of the Club and except where provided for under subrule (c), if elected will have the same rights privileges and restrictions as a Non-Sailing (Social) Member class and shall be governed by the constitution and Rules of the Club, while they are on Club premises and facilities.
- (c) A nominated representative from an Affiliated Club or Association by resolution of members at a General Meeting may be granted the right to attend and participate in the Management of the Club at Committee Meetings and at a General Meeting, including the right to vote.
- (d) The fees payable by each member of an Affiliated Club or Associations class of membership shall be not less than that of a Non Sailing Member (Social) class.

5.19 Guest and Visitors

Members may introduce guests to the Club at any time provided:

- (a) Liquor may be supplied to a member of the club and to the guests of that member in the company of that member –
 - i. for consumption on the licenses premises subject to subrule (b); or
 - ii. ancillary to a meal supplied at the club by or on behalf of the club to a member and to each of the guests of that member (without limitation as to number), being guests of whose attendance prior notice was given to the Club in accordance with the Rules of the Club; or
 - iii. to a member, for consumption by the guests of that member (without limitation as to number) at a function held by or on behalf of that member at the Club in accordance with the rules of the Club.
- (b) Unless authorised under the Liquor Control Act 1988, liquor supplied to a member of the club and to the guests of that member in the company of that member otherwise than ancillary to a meal or at a function under sub rule (a), extends only to such persons, not exceeding five (5) or such lesser number as may be permitted by these Rules, as are introduced as the guests of that member on that day.
- (c) Liquor supplied to a guest must only be consumed in accordance with the Clubs License.
- (d) The member introducing a guest shall be responsible for the proper conduct of the guest whilst on Club premises.
- (e) A person who has been refused membership of the Club or who shall be under suspension or expulsion of the Club, shall not be admitted as a guest of any member of the Club.
- (f) A member may, at their expense, and with the approval of the Club Committee, supply liquor to guests, at a function held by or on behalf of that member, on the Club premises.
- (g) A visitor being a person referred to under the *Liquor Control Act 1988*, other than a member, a guest of member or a temporary member referred to under Rule 5.17, may be supplied with liquor on Club premises following the payment of a fee to the Club for use of the Club facilities.

6. PRIVILEGES

- (a) Members in the Honorary Life Member class shall be entitled to all the privileges of the Club including the right to vote.
- (b) Members in the Honorary and Non-Sailing (Social Members) class shall be entitled to Club privileges exclusive of voting and eligibility for office

7. CEASING TO BE A MEMBER

7.1 Ending Membership

- (a) Any member wishing to resign from the Club shall give notice to the secretary in writing to that effect.

- (b) Resignation shall not relieve the member from any liability for any fees that are owed to the Club for subscription or otherwise in respect of the period up to the receipt by the Club of their notice or resignation.
- (c) The owed amount may be recovered by the Club in a court of competent jurisdiction as a debt due to the Association.
- (d) The resignation takes effect —
 - (i) when the secretary receives the notice; or
 - (ii) if a later time is stated in the notice, at that later time.

7.2 When Membership Ceases

- (a) A person ceases to be a member when any of the following takes place —
 - (i) for a member who is an individual, the individual dies;
 - (ii) for a member who is a body corporate, the body corporate is wound up;
 - (iii) the person resigns from the Club under Rule 7.1;
 - (iv) the person is expelled from the Club under Rule 7.3;
- (b) The secretary must keep a record, for at least one year after a person ceases to be a member, of —
 - (i) the date on which the person ceased to be a member; and
 - (ii) the reason why the person ceased to be a member.
- (c) If a member is in arrears with their annual subscription fees for a period of twelve (12) months, they will be deemed a Non-Member and must apply for membership in accordance with Rule 5.4

7.3 Suspension and Expulsion of Members

- (a) The Committee may by a resolution passed by two-thirds of those present and voting at a meeting of the Committee suspend or expel any member of the Club if:
 - (i) the member refuses or neglects to comply with these Rules; or
 - (ii) the members conduct, or behaviour is detrimental to the interests of the Club.
- (b) The Committee must hold a Committee Meeting to decide whether to suspend or expel a member.
- (c) The Secretary must, not less than 28 days before the Committee Meeting referred to in subrule (b), give written notice to the member:
 - (i) of the proposed suspension or expulsion and the grounds on which it is based;
 - (ii) of the date, the place and time of the Committee Meeting;
 - (iii) that the member, or the members representative may attend the Committee Meeting; and

- (iv) that the member or the members representative, may address the Committee at the meeting and will be given a full and fair opportunity to state the members case orally, or in writing, or both.
- (d) At the Committee Meeting referred to in subrule (b), the Committee must;
 - (i) give the member, or the members representative, a full and fair opportunity to state the members case orally;
 - (ii) give due consideration to any written statement submitted by the member;
 - (iii) determine whether or not the member should be;
 - A expelled from the Club; or
 - B suspended from membership and if so the period that the member should be suspended from membership.
- (e) Voting to suspend or expel a member under subrule (d), shall be by secret ballot, and no proxy voting shall be allowed.
- (f) Once the Committee has decided to suspend or expel a member under subrule (d), the member is immediately suspended or expelled from membership.
- (g) The Secretary must inform the member in writing of the decision of the Committee and the reasons for the decision within 7 days of the Committee Meeting referred in subrule (b).

7.4 Consequences of Suspension

- (a) During the period a members membership is suspended, the member-
 - (i) loses any rights (including voting rights) arising as a result of membership; and
 - (ii) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Club.
- (b) When a members membership is suspended, the Secretary must record in the register of members-
 - (i) that the Members membership is suspended; and
 - (ii) the date on which the suspension takes place; and
 - (iii) the period of the suspension.

7.5 Right of Appeal against Suspension or Expulsion

If a member is suspended or expelled under Rule 7.3, the person may appeal the Committees decision by giving written notice to the Secretary with 14 days of receiving the notice of the Committee's decision.

7.6 Forfeiture of Rights

Any member shall, upon ceasing to be a member of the Club for any reason whatsoever, forfeit all privileges and any right to and claim upon the Club and its property and its funds.

8. SUBSCRIPTIONS AND NOMINATION FEES

8.1 Membership Fee and Annual Subscriptions

- (a) Membership and annual subscription fees for all classes of members shall be determined by vote at the Annual General Meeting of the Club after consideration of the recommendation by the outgoing Committee.
- (b) All subscriptions shall become due and payable on the 1st September in each year.
- (c) A member who has paid the fees referred to in subrule (a) is a Financial Member of the Club and is entitled to exercise any of the rights and privileges that may apply to that members category of membership under these Rules.
- (d) A member who does not pay the fee referred to in subrule (a) within thirty (30) days of receiving notification that the fee is due shall not, unless otherwise determined by the Committee, be entitled to exercise any of the rights and privileges that may apply to that members category of membership under these Rules or continue to hold a position on the Committee of the Club.
- (e) Where a member who whose subscriptions or monies due to the Club is/are in arrears for three (3) months after the period in subrule (d), and who shall have been given one month's notice in writing requiring payment of the same, at the discretion of the Committee be excluded from the privileges of the Club until the same have been paid, or may be struck off the Register of members, whereupon he/she they shall cease to be a member and his/her their rights to enjoy or participate in the privileges of the Club absolutely forfeited.
- (f) A Crew member of a craft competing in Club events must be a Financial member of the Club unless otherwise determined by the Committee.
- (g) Subject to subrule (d), if a person who has ceased to be a member offers to pay the annual fee and any other fee owed to the Club after the period referred to in that subrule has expired-
 - (i) the Committee may, at its discretion, accept that payment; and
 - (ii) if the payment is accepted, the persons membership is reinstated from the date the payment is accepted.

9. OFFICERS

9.1 Officers of the Club

- (a) The Officers of the Club shall consist of a Commodore, Vice Commodore, and two (2) but no more than four (4) Rear Commodores, all of which shall be designated as Flag Officers and at least two (2) of whom shall be Active Sailing Members.
- (b) Officers of the Club shall include a Treasurer and a Secretary with either Officer being honorary or otherwise.

10 THE COMMITTEE

10.1 Committee Membership

- (a) The Club shall be managed by a Committee consisting of the Commodore, Vice Commodore, Rear Commodores, Secretary, Treasurer, Bosun and a minimum of six (6) and maximum of ten (10) Ordinary Members of the Club.
- (b) Where a retiring Commodore is not re-elected to that position at an Annual General meeting, the retiring Commodore may continue as an ex-officio member of the Committee, (with full voting rights), for a period of twelve (12) months following his/her retirement from the office of Commodore and the title of such retiring Commodore shall be the Immediate Past Commodore.
- (c) At least two thirds of the Senior Members of the Committee shall be Active Sailing Members, referred to in Rule 3.1.
- (d) A person may be a Committee member if the person is –
 - (i) an individual who has reached 18 years of age; and
 - (ii) an Ordinary Member
 - (iii) a Financial Member
- (e) Subject to Rule 5.18, one (1) representative of an Affiliated Club or Association may participate in the management of the Club at a Committee meeting, including the right to vote.

10.2 Subcommittees

- (a) The Committee may form, or consent to be formed, any number of Sub-committees that shall be designated by a name appropriate to the functions for which they are formed.
- (b) Members of a Subcommittee may be members of the Club, or at the direction of the Committee, non-members may be appointed, where the Committee considers the appointment is beneficial to the Club.
- (c) Where a Subcommittee convened in accordance with subrule (a), does not have a member who has been elected to the Committee, that Subcommittee may elect a representative over the age of eighteen (18) years, and at the Committees direction that representative may attend a Committee meeting and may vote but only on matters relating to that Subcommittee.

10.3 Casual Vacancy of the Committee.

- (a) The Committee may appoint a member who is eligible under Rule 10.1, to fill a position on the Committee and any member so appointed shall retire at the next Annual General meeting of the Club.
- (b) Subject to Rule 11.1, in the event of a vacancy occurring in the Office of Commodore, the Flag Officer next in seniority may be appointed by the Committee to fill the vacancy, and any member so appointed shall retire at the next Annual General Meeting of the Club.
- (c) If the position of Secretary becomes vacant, the Committee must appoint a member who is eligible under Rule 10.1 to fill the position within 14 days after the vacancy arises.

- (d) Subject to the requirement for a quorum under subrule 13.2, the Committee may continue to act despite any vacancy in its membership.
- (e) If there are fewer Committee members than required for a quorum under subrule 13.2, the Committee may act only for the purpose of —
 - (i) appointing Committee members under these Rules; or
 - (ii) convening a General Meeting.

11. ELECTION OF OFFICERS AND COMMITTEE

11.1 Nomination of Committee Members

- (a) Subject to Rule 10.1, all nominations for Officer of the Club and Committee positions shall be in writing and shall be signed by both the nominee and proposer, who must be a Financial Ordinary Member of the Club.
- (b) At least 42 days before an Annual General Meeting, the Secretary must send written notice to all members –
 - (i) calling for nominations for election to the Committee; and
 - (ii) stating the date by which nominations must be received by the Secretary.
- (c) A member who wishes to be considered for election to the Committee at the Annual General Meeting must nominate for election by sending written notice of the nomination to the Secretary at Least 28 days before the Annual General Meeting
- (d) Members in arrears with subscriptions or any other monies due to the Club within the period referred to in Rule 8.1, shall not be eligible for any office of the Club, nor to nominate any office bearer or intending member, they may not vote at any meeting, sign any requisition under these Rules, nor be present at any meeting of members of the Club.

11.2 Election and Term of Office Holders

- (a) The elections for Officers and Ordinary Committee Members are to be conducted at the Annual General Meeting of the club in a manner directed by the Committee.
- (b) The appointment of any Committee Member and any representative of an Affiliated Club or Association referred to under Rule 10.1, at an Annual General Meeting of the Club, shall be for a term of one year.
- (c) All Officers and members of the Committee shall be eligible for re-election subject to the following provisions:
 - (i) No member may be re-elected as Commodore if that member has held the office of Commodore for the proceeding three (3) years.
 - (ii) No member may be elected as Commodore or Vice Commodore unless they have had prior to their election, at least one (1) years experience as a member of the Committee.

- (d) Where there is no nomination for any office of the Club, or where there are insufficient nominations for Committee Members, nominations may be called from the members present at the Annual General Meeting at which the election is being held.
- (e) Each Ordinary Member present at the meeting may vote for one member who has nominated for the position.
- (f) A member who has nominated for the position may vote for himself or herself.
- (g) On the member's election, the new Commodore or in the absence an Officer referred to in Rule 12.7, may act as the chairperson of the meeting.

12 MEETINGS OF THE CLUB

12.1 Notice of Meetings

- (a) Members shall be given at least fourteen (14) days written notice of each and any meeting of the Club referred to in subrule (b) and at least twenty one (21) days notice if a Special Resolution is to be proposed at the meeting.
- (b) Meetings whether Annual, General, or Special in these rules are collectively referred to as Meetings of the Club.
- (c) The Annual General Meeting of the club shall be held no later than the last week of June in each year, at a time and place to be determined by the Committee.

12.2 The Notice of Meeting Must –

- (a) Specify the date, time and place of the meeting; and
- (b) Indicate the general nature of each item of business to be considered at the meeting; and
- (c) If the meeting is the Annual General meeting, include the names of the members who have nominated for election to the Committee under Rule 11.1;
- (d) If a Special Resolution is proposed-
 - (i) set out the wording of the proposed resolution as required by section 51(4) of the Act; and
 - (ii) state that the resolution is intended to be proposed as a special resolution; and

12.3 Notices to Members

- (a) A notice or other communication connected with these Rules has no legal effect unless it is in writing and given as follows:
 - (i) delivered by hand to the nominated address of the addressee;
 - (ii) sent by post to the nominated postal address of the addressee; or
 - (iii) sent by e-mail or any other method of electronic communication (including facsimile) to the nominated electronic address of the addressee.

- (b) Any notice given to a member under these Rules, must be sent to members address as set out in the Register referred to in subrule 15.1.

12.4 Annual General Meeting

- (a) At the Annual General Meeting of the Club the following business will be conducted:
 - (i) confirmation of the minutes of the preceding Annual General Meeting;
 - (ii) presentation of the Commodore's report on the receding year's activities;
 - (iii) presentation of the Audited Treasurer's report and balance sheet in respect of the preceding year;
 - (iv) if a Tier 1 Association, must receive the financial Statements of the Club for the preceding financial Year;
 - (v) if a Tier 2 Association or a Tier 3 Association, must receive the financial report of the Club for the proceeding financial Year;
 - (vi) presentation of Subcommittee reports;
 - (vii) to elect Patron and Vice-Patrons for the coming year;
 - (viii) to elect Officers and Ordinary Committee Members of the Committee for the ensuring year;
 - (ix) the appointment of any person referred to under Rule 10.1 for the ensuing Year;
 - (ix) setting of fees for the forthcoming year;
 - (ix) If applicable, appoint or remove a reviewer or auditor in accordance with the Act;
 - (x) any other business of which prior written notice shall have been given in writing to the Secretary at least seven (7) days before the meeting.

12.5 Special Meetings

- (a) Special Meetings of the club may be convened by the direction from the Committee at any time or by a requisition addressed to the Secretary.
- (b) The Committee or the Secretary must convene a Special General Meeting of the Club if at least 20% of the Ordinary Members of the Club require a Special General Meeting to be convened.
- (c) Every requisition by Ordinary Members for a Special General Meeting must-
 - (i) make the requirement by written notice given to the Secretary; and
 - (ii) state the notice of business to be considered at the meeting; and
 - (iii) each sign the notice

- (d) The Special General meeting must be convened within 28 days after notice is given under subrule (c) (i)
- (e) Upon receipt of a requisition the Secretary shall convene a meeting by giving fourteen (14) days notice thereof to all members.
- (f) The notice referred to under subrule (c), shall state concisely the business to be considered at the meeting and no other business shall be considered.
- (g) If the Committee does not convene a Special General Meeting within that 28 day period, the members making the requirement (or any of them) may convene a Special General meeting.
- (h) A Special General meeting convened by members under subrule (g) –
 - (i) must be held within 3 months after the date the original requirement was made; and
 - (ii) may only consider the business stated in the notice by which the requirement was made.

12.6 Quorum for Meetings

At all Annual General and Special Meetings of the Club, any fifteen (15) Ordinary Members of the Club present at the meeting are taken to constitute a quorum.

12.7 Presiding Member

- (a) The Senior Flag Officer present or in the absence of the Senior Flag Officer and any Flag Officer referred to in Rule 9.1, must preside as chairperson of each General and Special General Meeting.
- (b) Where a Flag Officer referred to in subrule (a) is absent or are unwilling to act as chairperson of a General and Special Meeting, the Committee Members must choose one of them to act as chairperson of the meeting.

12.8 Voting

- (a) Each Ordinary Member, shall be entitled to one (1) vote and in the event of equality of votes on any question, the Chairperson is entitled to exercise a second or casting vote.
- (b) Except in the case of a Special Resolution, a motion is carried if a majority of the members present, in person, and eligible to cast vote at the General Meeting vote in favour of the motion.
- (c) A Special Resolution must be passed at a General Meeting at which there is a quorum and be supported by the votes of not less than three-fourths of the members present, in person, and eligible to cast a vote at the meeting.

12.9 Visitors at meetings

No visitors shall be permitted to attend any General or other meeting of the Club without the sanction of the Chairperson of such meeting being first obtained.

12.10 Proxies

No proxy voting shall be allowed at any meeting of the Club.

12.11 Decisions of the Club

- (a) Every resolution duly passed at a duly convened meeting of the Club shall be conclusive and binding on all members of the Club whether present or not at the meeting.
- (b) All meetings shall be conducted in accordance with the generally accepted rule of debate.
- (c) At any meeting of the Club a declaration by the Chairperson that a resolution has been carried, or carried by a particular majority, or lost, or not carried by a particular majority shall be conclusive of the fact.

12.12 Poll at General Meetings

- (a) Every question submitted to a meeting of the Club may, unless unanimously decided, be decided in the first instance by a show of hands and then, if a poll is demanded by the Chairperson or at least five (5) members present at the meeting.
- (b) Where a poll is demanded under subrule (a), it shall be taken in such a manner as the Chairperson of the meeting directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

13 COMMITTEE MEETINGS

13.1 Chairing at Committee Meetings

The Committee shall meet as and when deemed necessary and at every meeting the Chair shall be taken by the Senior Flag Officer present or in the absence of the Senior Flag Officer and any other Flag Officer referred to in Rule 9.1, a Chairperson shall be appointed by the members present.

13.2 Quorum for Committee Meetings

Any seven (7) members of the Committee Members are taken to constitute a quorum for the conduct of the business at a Committee meeting.

13.3 Resignation and Removal from Office

- (a) A Committee Member may resign from the Committee by written notice given to the Secretary or, if the resigning member is the Secretary giving to the Commodore.
- (b) The resignation takes effect –
 - (i) when the notice is received by the Secretary or the Commodore; or
 - (ii) if a later time is stated in the notice, at that later time.
- (c) At a General meeting, the Club may by resolution-
 - (i) remove a Committee member from office; and
 - (ii) elect a member who is eligible under Rule 10.1 to fill the vacant position.
- (d) A Committee member who is the subject of a proposed resolution under subrule (c) may make a written representation (of a reasonable length) to the Secretary or the Commodore and may ask that the representation be provided to the members.

13.4 When Membership of Committee Ceases

- (a) A person ceases to be a Committee member if the person –
 - (i) dies or otherwise ceases to be a member; or
 - (ii) resigns from the Committee or is removed from Office under Rule 13.3; or
 - (iii) becomes ineligible to accept an appointment or act as a Committee Member under section 39 of the Act;
 - (iv) becomes permanently unable to act as a Committee Member because of mental or physical disability; or
 - (v) fails to attend three (3) consecutive Committee meetings, of which the person has been given notice, without having notified the Committee that the person will be unable to attend.

13.5 Minutes of committee meetings

- (a) The Committee must ensure that minutes are taken and kept of each Committee meeting.
- (b) The minutes must record the following –
 - (i) the names of the Committee members present at the meeting;
 - (ii) the name of any person attending the meeting in the manner referred to under rule 15.1;
 - (iii) the business considered at the meeting;
 - (iv) any motion on which a vote is taken at the meeting and the result of the vote.
- (c) The minutes of a Committee meeting must be entered in the Clubs minute book within 30 days after the meeting is held.
- (d) The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by –
 - (i) the chairperson of the meeting; or
 - (ii) the chairperson of the next Committee meeting.
- (e) When the minutes of a Committee meeting have been signed as correct they are, until the contrary is proved, evidence that –
 - (i) the meeting to which the minutes relate was duly convened and held; and
 - (ii) the matters recorded as having taken place at the meeting took place as recorded; and
 - (iii) any appointment purportedly made at the meeting was validly made.

13.6 Notice of Committee Meetings

- (a) Notice of each Committee meeting must be given to each committee member at least 48 hours before the time of the meeting.

- (b) The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (c) Unless subrule (d) applies, the only business that may be conducted at the meeting is the business described in the notice.
- (d) Urgent business that has not been described in the notice may be conducted at the meeting if the Committee members at the meeting unanimously agree to treat that business as urgent.
- (e) The Committee must meet at least 3 times in each year on the dates and times and places determined by the Committee.

13.7 Procedure and order of business

- (a) The procedure to be followed at a Committee meeting must be determined from time to time by the committee.
- (b) The order of business at a Committee meeting may be determined by the Committee members at the meeting.
- (c) A member or other person who is not a Committee member may attend a Committee meeting if invited to do so by the Committee.
- (d) A person invited under subrule (c) to attend a Committee meeting —
 - (i) has no right to any agenda, minutes or other document circulated at the meeting; and
 - (ii) must not comment about any matter discussed at the meeting unless invited by the Committee to do so; and
 - (iii) cannot vote on any matter that is to be decided at the meeting.

13.8 Powers of the Committee

Subject to the Act, these Rules and any by-law or lawful resolution passed by the Club at a General Meeting, the Committee:

- (a) May exercise all powers and functions as may be exercised by the Club, other than those powers and functions that are required by these Rules to be exercised by General Meetings of the members; and
- (b) Has power to perform all acts and do all things as appear to the Committee to be necessary or desirable for the proper management of the business and affairs of the Club

14.1 By-Laws of the Club

- (a) The Club, may by resolution at a General Meeting, make, amend or revoke by-laws.
- (b) By-laws may –
 - (i) provide for the rights and obligations that apply to any class of membership approved under Rule 5.2; and
 - (ii) impose restrictions on the Committees powers, including the power to dispose of the Clubs assets; and
 - (iii) impose requirements relating to financial reporting and financial accountability of the Club and the auditing of the Clubs accounts;
 - (iv) provide for any other matter the Club considers necessary or convenient to be dealt with in the by-laws.
- (c) A by-law is of no effect to the extent that it is inconsistent with the Act, the regulations or these rules.
- (d) without limiting subrule (c), a by-law made for the purpose of subrule b(iii) may only impose requirements on the Club that are additional to, and do not restrict, a requirement imposed on the Club under Part 5 of the Act.
- (e) At the request of a member, the Club must make a copy of the by-laws available for inspection by the member

14.2 Alterations to By-Laws

- (a) Subject to Rule 12.1, any eligible member wishing to propose an alteration of or an addition to the Club by-Laws at a General or Special meeting must give notice in writing to the Secretary.
- (b) Alteration and additions of Club by-Laws, must be passed at a General Meeting or Special General Meeting of the Club at which there is a quorum and be supported by the votes of not less than three-fourths majority of the members present and eligible to cast a vote at the meeting and such three- fourths majority shall be not less than fifteen (15) votes in support of the motion.
- (c) Where an amendment referred to in subrule (a) relates to a Liquor License under the *Liquor Control Act 1988*, as soon as is practicable after the making of any proposal for a change to the Rules of the Club, the Secretary or other person authorised by the Committee shall provide to the relevant Liquor Licensing Authority (Director of Liquor Licensing Division), particulars of the change proposed and no effect will be given to the change without the prior approval of the that Authority.

15 IT SHALL BE THE DUTY OF THE SECRETARY

15.1 The Secretary has the following duties-

- (a) To perform such secretarial duties as may be, from time to time, required by the Club and to deal with the Clubs correspondence.

- (b) Consulting with the chairperson regarding the business to be conducted at each Committee Meeting and General Meeting.
- (c) Unless another member is authorised by the Committee to do so maintaining on behalf of the Club the Register of members and recording in the register details of and changes to membership, and all other details as required under section 53(1) of the Act.
- (d) Unless another member is authorised by the Committee to do so, maintaining on behalf of the Club a record of Committee Members and other persons authorised to act on behalf of the Club, as required under section 58(2) of the Act.
- (e) To maintain a correct register of members, setting forth their full name, contact postal, residential or email address, the class of membership, details of members boat and the date on which the person became a member.
- (f) To keep a copy of the Treasurer's report.
- (g) To attend at and maintain full and accurate minutes of Committee Meetings and General meetings of the Club and where necessary to prepare agendas for meetings of the Club and to record all such minutes in the minute book of the Club.

15.2 Inspection of Record

A member may at any reasonable time inspect without charge, the register referred to in Rule 15.1, books, documents, records and securities of the club.

16. IT SHALL BE THE DUTY OF THE TREASURER

16.1 The Treasurer has the following duties-

- (a) Ensuring that the amounts payable to the Club are collected and issuing receipts for those amounts in the Clubs name;
- (b) Ensuring that any amount paid to the Club are credited to the appropriate account of the Club , as directed by the Committee;
- (c) Ensuring that any payments to be made to the Club that have been authorised by the Committee or at a General Meeting are made on time;
- (d) Ensuring the Club complies with the relevant requirements of Part 5 of the Act;
- (e) Ensuring the safe custody of the Clubs financial records, financial statements and financial reports, as applicable to the Club;
- (f) Where the Club is a tier 1 association, coordinating the preparation of the Clubs financial statements before their submission to the clubs Annual General Meeting;
- (g) Where the Club is a tier 2 association or tier 3 association, coordinating the preparation of the Clubs financial report before its submission to the clubs Annual General Meeting;
- (h) Providing any assistance required by and auditor or reviewer conducting and audit or review of the Clubs financial statements or financial report under Part 5 Division of the Act;

- (i) Carrying out any other duty given to the Treasurer under these rules or by the Committee;

17 THE CLUBS BOOKS AND RECORDS

17.1 Custody of books and securities

- (a) Subject to subrule (b), the books and any securities of the Club must be kept in the Secretary's custody or under the Secretary's control.
- (b) The financial records and, as applicable, the financial statements or financial reports of the Club must be kept in the Treasurer's custody or under the Treasurer's control.
- (c) Subrules (a) and (b) have effect except as otherwise decided by the Committee.
- (d) The books of the Club must be retained for at least 7 years.

18. BANK ACCOUNTS AND FINANCE

18.1 Control of Funds

- (a) The funds of the Club shall be lodged in the name of the Club as may be approved by the Committee or at a General Meeting of the Club.
- (b) All accounts passed for payment by the Committee shall be paid by cheque, drafts, bills of exchange, promissory notes and other negotiable instruments of the Club signed and or authorised by any two (2) of the Treasurer, Commodore and/or Secretary, or other member of the Committee authorised by the Committee for that purpose.
- (c) No bank or investment accounts may be operated without prior authority of the Committee of the Club.
- (d) All funds of the Club must be deposited into the Clubs account within 5 working days after their receipt.
- (e) Subject to any restrictions imposed at a General Meeting, the Committee may approve expenditure on behalf of the Club.
- (f) The Committee may authorise the treasurer to expend funds on behalf of the Club up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.

18.2 Financial Statements and Financial Reports

- (a) For each financial year, the Committee must ensure that the requirements imposed on the Club under Part 5 of the Act relating to the financial statements or financial report of the Club are met.
- (b) Without limiting subrule (a), those requirements include —
 - (i) if the Club is a tier 1 Association, the preparation of the financial statements; and

- (ii) if the club is a tier 2 Association or tier 3 Association, the preparation of the financial report; and
- (iii) if required, the review or auditing of the financial statements or financial report, as applicable; and
- (iv) the presentation to the Annual General meeting of the financial statements or financial report, as applicable; and
- (v) if required, the presentation to the Annual General meeting of the copy of the report of the review or auditor's report, as applicable, on the financial statements or financial report.

19 ASSOCIATION TO BE NOT FOR PROFIT BODY

19.1 Not for Profit Body

- (a) The income and property of the Club must be applied solely towards the promotion of its objects or purposes of the Club, and no part of that property or income may be paid or otherwise distributed or transferred directly or indirectly by way of dividend, bonus or otherwise to any member, except in good faith in the promotion of those objects or purposes of the Club.
- (b) A payment may be made to a member out of the funds of the Club only if it is authorised by subrule (c).
- (c) A payment out of funds of the Club is authorised if it is-
 - (i) the payment in good faith to the member as reasonable remuneration for any services provided to the Club, or for goods supplied to the Club, in the ordinary course of business; or
 - (ii) the payment of interest, on money borrowed by the Club from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - (iii) the payment of reasonable rent to the member for premises leased by the Member to the Club; or
 - (iv) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Club.

20. BORROWING OR RAISING MONEY

20.1 Sources of Funds

The funds of the Club may be derived from annual subscription, donations, fund raising activities, grants, interest and any other sources approved at a General Meeting.

21. FINANCIAL YEAR

21.1 The Financial Year of the Club year shall commence on the first day of May in every year and end on the 30 April the following year.

22. ENSIGN

The ensign of the Club shall be the Blue Ensign of the Commonwealth of Australia

23. BURGEE

23.1 Club Burgee and Emblem

(a) The Club's Burgee shall be a royal blue triangle and near the leading edge there shall be a design consisting of cardinal points of the compass enclosed by a ring, this

design to be in white and the length of the Burgee shall be twice the width and should be hoisted right to the truck.

(b) The Club Emblem shall be an oval blue ring with eight (8) blue lines on the top half, three (3) overlapping blue sails in the centre with the words in blue GEOGRAPHE BAY YACHT CLUB BUSSELTON WA, around the outside of the oval ring all on a white background. The emblem may be used on all correspondence or in any way as directed by the Committee.

24. BADGE AND UNIFORM

24.1 Club Badge and Uniform

(a) The Club badge shall be a replica of the Club's Burgee with the addition of the letters GBYC either on the Burgee in case of the lapel badge or under the Burgee in case of the pocket badge.

(b) Dress uniform shall be Club Reefer Jacket with cap, dark trousers/skirt, dark socks and black shoes.

(c) Undress uniform shall be cap white trousers/shorts/skirt, white socks, black shoes and epaulettes denoting rank referred to under Rule 24.2.

24.2 Flag Officers Uniform.

(a) The commodore shall when required wear on the left sleeve cuff of the Club reefer jacket three (3) plain bands of black braid plus one (1) band with a loop.

(b) The Vice-Commodore shall when required wear on the left sleeve cuff of the Club reefer jacket, two (2) plain bands of black braid plus one (1) with a loop.

(c) Rear Commodores shall when required wear on the left sleeve cuff of the Club reefer jacket (1) plain band of black braid plus one (1) band with a loop and a retired Flag Officer may wear relevant bands excluding loops.

25 BOAT REGISTER

25.1 Record of Boats

- (a) A record to be called the Boat Register shall be kept by the Secretary and shall contain particulars of the name, sailing class, sail number, and the owner's name of every boat registered.
- (b) The following shall apply to the registration of a boat:
 - (i) only boats belonging to members shall be registered, provided that a boat chartered by a member or members for a period of not less than six (6) months, may for the purpose of registration be deemed during the period of charter to belong to such member or members, who shall be responsible for any damage done by such boat during the period of the charter as if they were the actual owner.
 - (ii) a boat belonging to more than one (1) owner shall unless the Committee determines otherwise not be registered unless all of the owners are members of the Club.
 - (iii) the Committee shall have the power to refuse to register any boat for any reason which it may be considered sufficient.
 - (iv) before a boat can be registered, an application in writing specifying the particular's referred to under subrule (a) and the name and address of the owner must be sent to the Secretary by the owner.
 - (v) In case any alteration is made to a registered boat that effects the measurement particulars of such alteration must be sent to the Secretary for entry on the register.
 - (vi) all boats, before being registered by the Club, may be required to be measured by an official measurer authorised by the Committee.
 - (viii) If any owner changes a boat's name or distinguishing mark, they must give notice in writing to that effect to the Secretary together with the required fee.

26 NOTIFICATION OF RULES AND BY-LAWS TO MEMBERS

Every new member shall immediately upon being accepted as a member, be provided with a copy of the Rules and by-Laws in force at the time membership commences.

27 RULES OF THE CLUB

27.1 Rules of the Club

- (a) These Rules bind every member and the Club and each member agrees to comply with these Rules.

27.2 Amendment to the Rules

- (a) If the Club wants to alter or rescind any of these Rules, or to make additional Rules, the Club may do so only by Special Resolution and by otherwise complying with Part 3 Division 2 of the Act
- (b) Any eligible member of the club may propose alterations, additions, suspensions, rescissions or amendments to the Rules of the Club in the manner set out in these Rules.
- (c) Subject to Rule 12.1, any proposal under subrule (b) shall be by notice of motion which shall be in writing and given to the Secretary of the Club.
- (d) A notice of motion under subrule (c) must be passed at a General Meeting or Special General Meeting of the Club at which there is a quorum and be supported by the votes of not less than three-fourths majority of the members present and eligible to cast a vote at the meeting and such three-fourths majority shall be not less than twenty (20) votes in support of the motion.
- (e) A meeting of the Club for the purpose of considering the notice of motion may be called in a manner referred to under Rule 12.
- (f) The notice of the meeting of the Club at which the notice of motion is to be considered shall set out the contents of the notice of motion in full in the manner referred to under Rule 12.2.
- (g) Where an amendment referred to in subrule (a) relates to a Liquor License, as soon as is practicable after the making of any proposal for a change to the Rules of the Club, the Secretary or other person authorised by the Committee shall provide to the relevant Liquor Licensing Authority (Director of Liquor Licensing Division), particulars of the change proposed and no effect will be given to the change without the prior approval of that Authority.

28 DISSOLUTION

28.1 Cancellation of Incorporation

- (a) The Association may cease its activities and have its incorporation cancelled in accordance with the Act if the members resolve by Special Resolution that the Club will:
 - (i) apply to the Commissioner for Cancellation of its incorporation; or
 - (ii) appoint a liquidator to wind up its affairs
- (b) The Club must be wound up under in accordance with these Rules and Part 9 of the Act before cancellation can take place if its outstanding debts or other outstanding legal obligations, or is a party to any current legal proceedings.
- (c) Upon cancellation of the Clubs incorporation, the surplus property must only be distributed to one or more of the following:
 - (i) an incorporated association under the Act having similar objects to those of the Club, and which prohibit or prohibits the distribution of its or their income or property amongst its or their members, or to some charitable object or objects which association, institution or object shall be

determined by the members of the Club at, or before the time of, dissolution or winding up or default thereof, or if in so far as effect cannot be given to such determination, then such distribution shall be determined by the Yachting Association of Western Australia or its equivalent.

- (ii) a body corporate that at the time of the distribution is the holder of a license under the charitable collections legislation in Western Australia

29 RACING

29.1 Rules of Racing

- (a) All racing shall be conducted under the rules of the World Sailing, Australian Sailing, and the Yachting Association of Western Australia or equivalent bodies in force at the date of the race, together with any amendments a Sailing Subcommittee may from time to time consider necessary to improve and ensure the good conduct and safety of sailing.
- (b) In addition, members of a Club Sailing subcommittee shall be Financial Ordinary members of the Club.

29.2 Rules of Racing Binding

- (a) The Rules of racing referred to in Rule 29.1 as amended will be binding on all members of the Club and competitors in Club races.

30 RESOLVING DISPUTES

30.1 Disputes Arising under the Rules

- (a) This rule applies to:
 - (i) Disputes between members; and
 - (ii) Disputes between the Club and one or more members that arise under the rules or relate to the rules of the Club.
- (b) In this rule “member” includes any former member whose membership ceased not more than six months before the dispute occurred.
- (c) The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
- (d) If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Secretary of the parties to, and details of, the dispute.
- (e) The Secretary must convene a Committee Meeting within 28 days after the Secretary receives notice of the dispute under subrule (d) for the Committee to determine the dispute.
- (f) At the Committee Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.

- (g) The Secretary must inform the parties to the dispute of the Committee's decision and the reasons for the decision within 7 days after the Committee Meeting referred to in subrule (e).
- (h) If any party to the dispute is dissatisfied with the decision of the Committee they may elect to initiate further dispute resolution procedures as set out in the Rules.

30.2 Mediation

- (a) This rule applies:
 - (i) where a person is dissatisfied with a decision made by the Committee under Rule 30.1; or
 - (ii) where a dispute arises between a member or more than one member and the Association and any party to the dispute elects not to have the matter determined by the Committee.
- (b) Where the dispute relates to a proposal for the suspension or expulsion of a member this rule does not apply until the procedure under Rule 7.3 in respect of the proposed suspension or expulsion has been completed.
- (c) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 30.1(c), or a party to the dispute is dissatisfied with a decision made by the Committee under Rule 30.1(f) a party to a dispute may:
 - (i) Provide written notice to the Secretary of the parties to, and the details of, the dispute;
 - (ii) Agree to, or request the appointment of, a mediator.
- (d) The party, or parties requesting the mediation must pay the costs of the mediation.
- (e) The mediator must be:
 - (i) a person chosen by agreement between the parties; or
 - (ii) in the absence of agreement:
 - A if the dispute is between a member and another member - a person appointed by the Committee; or
 - B if the dispute is between a member or more than one member and the Association, the Committee or a Committee Member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.
- (f) a member can be a mediator, but the mediator cannot be a member who is a party to the dispute.
- (g) the parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

- (h) the parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.
- (i) the mediator, in conducting the mediation, must:
 - (i) give the parties to the mediation process every opportunity to be heard;
 - (ii) allow all parties to consider any written statement submitted by any party;
and
- (j) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (k) The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

30.3 Inability to Resolve Disputes

If a dispute cannot be resolved under the procedures set out in the Rules, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.