

Constitution of the
Community Junior Cricket Council
(Inc.)

1. Name

The name of the Council is Community Junior Cricket Council (Inc.) (the “*Council*”).

2. Definitions

In these rules, unless the contrary intention appears:

“**Act**” means the *Associations Incorporation Act 1987* (WA), as amended and re-enacted from time to time;

“**Annual General Meeting**” is the meeting convened under rule 15.1(a);

“**Chairperson**” means the person referred to in paragraph (b) of rule 10.1, or, if that person is unable to perform his or her functions, the Vice Chairperson;

“**Constitution**” means these rules of the Council;

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

“**Council**” means the incorporated body referred to in rule 1;

“**department**” means the government department with responsibility for administering the *Associations Incorporation Act (1987)*;

“**financial Member**” means a Member who has paid the subscription fee due under clause 7.2, or if there is no subscription fee payable, each Member;

“**financial year**” means a period not exceeding 15 months fixed by the Management Committee, being a period commencing on the date of incorporation of the Council and ending on 30 June; and thereafter each period commencing 1 July and ending on 30 June in the following year;

“**General Meeting**” means either a Special General Meeting or an Annual General Meeting;

“**Junior Cricket Association**” means an association that has the responsibility for the development, organisation, promotion and management of junior cricket within the greater metropolitan area of Perth

“**Management Committee**” means the committee of management of the Council referred to in rule 10.1;

“**Management Committee meeting**” means a meeting referred to in rule 14.1;

“**Management Committee member**” means person referred to in rule 10.1;

“**Member**” means Member of the Council;

“**Membership Register**” means the register of Members referred to in clause 9.1;

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

“**person**” includes an individual, a corporation, an incorporated association and other bodies corporate;

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

“**Special General Meeting**” means a General Meeting other than the Annual General Meeting;

“**special resolution**” means a resolution that is passed by a majority of not less than three-fourths of the Members of the Council who are entitled under this Constitution to vote and vote in person or, where proxies or postal votes are allowed by the rules of the Council 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.

“**Vice Chairperson**” means the Deputy Chairperson referred to in paragraph (a) of rule 10.2;

“**WACA**” means the Western Australian Cricket Association Incorporated;

“**WACA Statewide Cricket Committee**” means the committee established under the rules of the WACA; and

“**Zone**” means a geographical area within the greater metropolitan area of Perth, as determined by the WACA for the management of junior cricket and as further identified in the Council’s by-laws.

3. Objects

The objects of the Council are to:

- a) develop and implement policies, strategies and programs aimed at increasing participation and retention in community junior cricket across the Perth metropolitan area;
- b) manage all junior community cricket in the greater metropolitan area of Perth; and
- c) provide leadership to, and encourage relationships with, all associations affiliated with the WACA and all other persons, groups and associations involved in the playing or administration of Junior Community Cricket.

4. Powers

Subject to the Act, the Council may do all things necessary or convenient for carrying out its objects and purpose. In particular the Council may:

- 4.1 determine the rules and playing conditions for junior community cricket;
- 4.2 determine the by-laws for junior community cricket;
- 4.3 determine the policy for junior community cricket, which shall be compatible with Cricket Australia & WACA policy to include but not restricted to:
 - a) procedures and penalties for protests and disputes;
 - b) codes of conduct for players, umpires, officials and parents; and
 - c) child protection; and
- 4.4 make submissions to the WACA and other bodies on required resources for the benefit of junior community cricket.

5. Income and Property

- 5.1 The Council must apply all property and income of the Council towards the promotion of the objects or purposes of the Council.
- 5.2 No part of the Council's property or income is to be paid or otherwise distributed, directly or indirectly, to Members of the Council, except in good faith in the promotion of those objects or purposes.

6. Membership

- 6.1 Subject to rule 8, membership of the Council is open to any person that represents a Junior Cricket Association and who wishes to further the objects of the Council. Each Junior Cricket Association is entitled to appoint one representative to become a Member of the Council, unless there is only one Junior Cricket Association within a Zone, in which case, the Junior Cricket Association within that Zone may appoint two (2) representatives to become Members of the Council..
- 6.2 Each person admitted to Membership shall be:
 - a) bound by the Constitution and by-laws of the Council;
 - b) liable for such fees and subscriptions as may be fixed by the Council from time to time under rule 7.1; and
 - c) entitled to all advantages and privileges of Membership of the Council.
- 6.3 A person that wishes to become a Member must apply for Membership to the Management Committee in writing, and such application shall be:
 - a) signed by a representative of the Junior Cricket Association the person represents; and
 - b) in such form as the Management Committee from time to time determines.
- 6.4 The Management Committee shall determine in its sole discretion whether the application submitted under rule 6.3 is successful or not.
- 6.5 An applicant whose application for Membership of the Council is rejected under rule 6.4 must, if he or she wishes to appeal against that decision, give notice to the Public Officer of his or her intention to do so within a period of 14 days from the date he or she is advised of the rejection.
- 6.6 When notice is given under rule 6.5, the Council must either confirm or set aside the decision of the Management Committee to reject the application no later than the date of the next Special General Meeting called for that purpose after having afforded the applicant who has given such notice, a reasonable opportunity to be heard by, or to make representations in writing appealing against that rejection of Membership.

7. Subscriptions

- 7.1 The Members may from time to time at a General Meeting determine the amount of the annual subscription to be paid by each Member on behalf of the Junior Cricket Association that they represent.
- 7.2 Each Member must pay to the Treasurer on behalf of their Junior Cricket Association, annually on or before 1 July, or such other date as the Management Committee from time to time determines, the amount of the subscription determined under rule 7.1.
- 7.3 Unless the Management Committee decides otherwise, a Member whose subscription is not paid within 3 months after the relevant date fixed by or under rule 7.1 ceases on the expiry of that period to be a Member.

8. Termination of Membership

- 8.1 Membership of the Council may be terminated by any of the following events:
 - a) Resignation by a Member;
 - b) Expulsion of a Member;
 - c) A Member's Membership fee remains unpaid after 3 months of falling due.
- 8.2 The Management Committee shall have the power to suspend or expel any Member, and/or the Junior Cricket Association the member represents, from the Council for:
 - a) any false or inaccurate statements made in the application for Membership of the Council;
 - b) a breach of any rule, regulation or by-law of the Council;
 - c) any act by the Member and/or the Junior Cricket Association the Member represents that is deemed by the Management Committee in its sole discretion to be detrimental to the Council and the attainment of its objects.
- 8.3 If the Management Committee considers that a Member and/or the Junior Cricket Association the Member represents should be suspended or expelled from Membership of the Council as a consequence of an alleged breach or breaches of

8.2, the Management Committee must provide to the Member or the Junior Cricket Association the Member represents in writing details of the:

- a) date and place of the Management Committee meeting at which the question of that suspension or expulsion will be decided and to be sent to the Member or the Junior Cricket Association the Member represents last known address not less than 30 days before the date of the Management Committee meeting referred to;
 - b) particulars of the alleged conduct.
- 8.4 At the Management Committee meeting referred to in the notice communicated under rule 8.3, the Management Committee after having afforded the Member concerned and/or the Junior Cricket Association the Member represents a reasonable opportunity to be heard by, or to make representations in writing, the Management Committee, may determine to suspend or expel or decline to suspend or expel that Member and/or the Junior Cricket Association the Member represents from Membership of the Council. Such decision must be communicated in writing to the Member and/or the Junior Cricket Association the Member represents by the Public Officer not more than seven days after the meeting at which the decision was made. The failure of the Member or the representative to attend the meeting shall not invalidate the rights of the Management Committee to hear the matter and determine an outcome.
- 8.5 A Member and/or the Junior Cricket Association the Member represents who is expelled, suspended or has their Membership terminated under Rule 8.4, shall have the right to appeal against their suspension or expulsion by providing written advice of such intention to appeal, to the Public Officer of the Council within 14 days of receiving advice of such expulsion, suspension or termination.
- 8.6 A General Meeting must be called for the purpose of hearing the appeal within 30 days of such notice of appeal being received. The decision of the General Meeting shall be final.
- 8.7 Subject to rule 8.5, a Member and/or the Junior Cricket Association the Member represents has his or her Membership suspended, immediately ceases to be a Member upon receipt of written advice of the decision to suspend or expel the Member and/or the Junior Cricket Association the Member represents as sent by the Public Officer of the Council to the Member and/or the Junior Cricket Association the Member represents last known postal address.

9. Register of Members

- 9.1 The Public Officer must keep and maintain current, a register of the names and addresses of all Members.
- 9.2 The Public Officer must remove the names from the Membership Register of any Membership that has been terminated.
- 9.3 The Membership Register will be made available to Members on request on conditions in accordance with the Act and other relevant legislation.

10. Management Committee and Elections

- 10.1 The Council will be managed by a committee of management consisting of:
 - a) a Chairperson, as appointed under rule 10.3;
 - b) one (1) representative from each Junior Cricket Association, unless there is only one Junior Cricket Association within a Zone, in which case, the Junior Cricket Association within that Zone may appoint two (2) representatives; and
 - c) a representative from cricket operations or its equivalent at the WACA, as appointed by the WACA from time to time and notified to the Council in writing.
- 10.2 At the first Management Committee meeting held after the Annual General Meeting, the Management Committee shall elect one Committee Member (other than the Chairperson and the WACA representative appointed under rule 10.1(c)) to each of the following positions, for the period commencing at the conclusion of that meeting expiring at end of the first Committee meeting held after next following Annual General Meeting:
 - a) Vice – Chairperson;
 - b) Public Officer;
 - c) Treasurer; and
 - d) representative to WACA Statewide Cricket Committee.
- 10.3 The Chairperson shall be elected at an Annual General Meeting and shall hold office for the period one year, but shall be eligible for re-election. If the Chairperson has been appointed as a Management Committee member under rule 10.1(b), he or she shall resign as the delegate from the Junior Cricket Association that they represent. Members, or Junior Cricket Associations that Members represent, may nominate a person for the position of Chairperson by providing a written nomination to the Public Officer at least 7 days prior to the Annual General Meeting at which the election is to take place and the nominee has signified his or her willingness to stand for election.
- 10.4 The person appointed as Chairperson under rule 10.3 shall not be entitled to hold any other position on the Management Committee for the duration of their appointment, and no other person shall hold more than two positions on the Management Committee at any one time.
- 10.5 A casual vacancy occurs in the office of a Management Committee member and that office becomes vacant if the Management Committee member:
 - (a) dies;

- (b) resigns by notice in writing delivered to the Chairperson or, if the Management Committee member is the Chairperson, to the Vice-Chairperson and that resignation is accepted by resolution of the Management Committee;
- (c) is convicted of an offence under the Act;
- (d) is permanently incapacitated by mental or physical ill-health;
- (e) is absent from more than three meetings without leave of absence; or
- (f) is found not to be a financial Member.

10.6 If a casual vacancy occurs under rule 10.5 in the office of:

- (a) a Management Committee member referred to in rule 10.1(a), the Management Committee is to elect another person to the position of Chairperson at an Special General Meeting called for that purpose in accordance with the requirements of rule 10.3;
- (b) Management Committee members referred to in rule 10.1(b), the Junior Cricket Association who appointed that Management Committee member is to appoint another representative to fill that casual vacancy; or
- (c) a Management Committee member referred to in rule 10.1(c), the WACA is to appoint another representative to fill that casual vacancy.

10.7. The Management Committee may delegate, in writing, to one to more sub-committees (consisting of such persons as the Management Committee thinks fit) the exercise of such functions of the Management Committee as are specified in the delegation other than-

- (a) the power of delegation; and
- (b) a function which is a duty imposed on the Management Committee by the Act or any other law.

The Management Committee may, in writing, revoke wholly or in part any delegation under this rule.

11. Public Officer

The Public Officer must:

- (a) co-ordinate the correspondence of the Council;
- (b) keep full and correct minutes of the proceedings of the Management Committee and of the Council;
- (c) keep and maintain
 - (i) the Membership Register of the Council, as referred to in rule 9.1;
 - (ii) an up to date version of this Constitution and, upon the request of a Member of the Council, must make available this Constitution 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 Constitution for that purpose; and
 - (iii) a record of the names and residential or postal addresses of the persons who hold the offices of the Council provided for by this Constitution;
- (d) unless the Members resolve otherwise at a General Meeting, have custody of all books, documents, records and registers of the Council, 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
- (e) perform such other duties as are imposed by this Constitution on the Public Officer.

12. Treasurer

The Treasurer must:

- (a) be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, the Council and must issue receipts for those moneys in the name of the Council;
- (b) pay all moneys referred to in paragraph (a) into such account or accounts of the Council as the Management Committee may from time to time direct;
- (c) make payments from the funds of the Council with the authority of a General Meeting or of the Management Committee and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised Management Committee member, or by any two others as are authorised by the Management Committee;
- (d) comply on behalf of the Council with the Act with respect to the accounting records of the Council by-
 - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Council;
 - (ii) keeping its accounting records in such manner as will enable true and fair accounts of the Council to be prepared from time to time;
 - (iii) keeping its accounting records in such manner as will enable true and fair accounts of the Council to be conveniently and properly audited; and
 - (iv) submitting to Members at each Annual General Meeting of the Council accounts of the Council showing the financial position of the Council at the end of the immediately preceding financial year.

- (e) whenever directed to do so by the Chairperson, submit to the Management Committee a report, balance sheet or financial statement in accordance with that direction;
- (f) 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 Council, including those referred to in paragraphs (d) and (e); and
- (g) perform such other duties as are imposed by these rules on the Treasurer.

13 Powers, Duties and Responsibilities

The Management Committee, in furtherance of the objects of this Constitution and the Council, shall have the following functions, powers and responsibilities:

- 13.1 to elect Members, determine fees and subscriptions payable by Members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
- 13.2 adjudicate on all matters brought before it which in any way affect the Council and its operations;
- 13.3 cause minutes to be made of all proceedings at meetings of the Management Committee and General Meetings of Members;
- 13.4 make, amend and rescind rulings and By-laws;
- 13.5 form and appoint any sub committee/s as required for specific purposes;
- 13.6 to employ a person or persons to carry out certain duties required by the Council, at salaries or remunerations for such period of time, as may be deemed necessary;
- 13.7 fill casual vacancies that may occur on the Management Committee in accordance with the process under rule 10.6; and
- 13.8 appoint an officer/s or agent of the Management Committee and who shall have responsibility for custody of the Council's records, documents and securities.

14. Proceedings of Management Committee

- 14.1 The Management Committee shall meet for the dispatch of business as required but in any event, not less than ten times each year .
- 14.2 The Chairperson, or at least half the members of the Management Committee, may at any time convene a meeting of the Management Committee.
- 14.3 A quorum of the Management Committee shall be half of its members plus one.
- 14.4 If the Chairperson or Vice Chairperson is unable to attend a Management Committee meeting, then a chairperson nominated by the meeting shall chair that meeting.
- 14.5 Voting powers at Management Committee meetings:
 - a) The Chairperson shall not be entitled to a deliberative vote but in the event of a tied vote, the Chairperson shall exercise a casting vote.
 - b) The WACA representative shall not be entitled to a vote.
 - c) Subject to rules 14.5(a) and (b), each other Member present shall have one (1) vote.
- 14.6 A question arising at a Management Committee meeting must be decided by a majority of votes, but, if there is no majority, the Chairperson presiding at the Management Committee meeting will have a casting vote.
- 14.7 Subject to this Constitution, the procedure and order of business to be followed at a Management Committee meeting is determined by the Management Committee members present at the Management Committee meeting.
- 14.8 As required under the Act, a Management Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Management Committee (except if that pecuniary interest exists only by virtue of the fact that the Member of the Management Committee is a Member of a class of persons for whose benefit the Council is established), must-
 - a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Management Committee; and
 - b) not take part in any deliberations or decision of the Management Committee with respect to that contract.
- 14.9 Rule 14.8(a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Management Committee is an employee of the Council.
- 14.10 The Public Officer must cause every disclosure made under rule 14.8(a) by a member of the Management Committee to be recorded in the minutes of the meeting of the Management Committee at which it is made.

15. Convening and Notice of General Meetings

- 15.1 a) The **Annual General Meeting** of the Council must be held in July of each year.
- b) A Special General Meeting may be convened by the Management Committee at any time, or must be convened within 30 days of:
 - i) receiving a request in writing to do so from not less than half the Members to convene a Special General Meeting for the purpose specified in that request; or
 - ii) the Public Officer receiving a notice under rule 6.5 and rule 8.5 to convene a General Meeting to deal with the appeal to which that notice relates.

- 15.2 The Members making a request referred to in Rule 15.1(b)(i) must:
 - a) state in that request the purpose for which the General Meeting concerned is required; and
 - b) sign that request.
- 15.3 If a General Meeting is not convened within the relevant period of 30 days referred to
 - a) in rule 15.1(b)(i), the Members who made the request concerned may themselves convene a Special General Meeting as if they were the Management Committee; or
 - b) in rule 15.1(b)(ii), the Member who gave the notice concerned may him or herself convene a Special General Meeting as if he or she were the Management Committee.
- 15.4 When a Special General Meeting is convened under rule 15.3 the Council must pay the reasonable expenses of convening and holding the Special General Meeting.
- 15.5 The Public Officer must give to all Members not less than 14 days notice of a General Meeting and that notice must specify-
 - a) when and where the General Meeting concerned is to be held; and
 - b) particulars of the business to be transacted at the General Meeting concerned and of the order in which that business is to be transacted, and for an Annual General Meeting, the order shall be:
 - i) consideration of, and if thought fit, the adoption of the accounts and reports of the Management Committee;
 - ii) selection of Management Committee members to replace outgoing Management Committee members; and
 - iii) any other business requiring consideration by the Council at the Annual General Meeting.
- 15.6 The Public Officer must give written notice under rule 15.5 by:
 - a) serving it on a Member personally; or
 - b) sending it by post to a Member at the address of the Member appearing in the Membership Register kept and maintained by the Council; or
 - c) electronic message to the electronic address of that Member as it appears in the Membership Register.
- 15.7 When a notice is sent by post under rule 15.6(b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the Member concerned by ordinary prepaid mail.

16. Proceedings at General Meetings

- 16.1 At a General Meeting half of the Council's Members plus one present in person shall constitute a quorum.
- 16.2 If within 30 minutes after the time specified for the holding of an General Meeting convened in accordance with a notice given to Members under rule 15.5, a quorum is not present within 30 minutes of the time and date set down for the meeting, the meeting cannot proceed and is to be reconvened again within seven days
- 16.3 The Chairperson may, with the consent of an General Meeting at which a quorum is present, and must, if so directed by such a General Meeting, adjourn that meeting to another time and place.
- 16.4 An adjourned General Meeting may not transact any business other than business left unfinished or on the agenda at the time when the General Meeting was adjourned.
- 16.5 When an General Meeting is adjourned for a period of 30 days or more, the Public Officer must give notice of the adjourned General Meeting as if that meeting was a newly convened meeting.
- 16.6 All financial Members may attend and be eligible to vote at the General Meeting.

17. Voting at General Meetings

- 17.1 Subject to these rules, each financial Member present in person at a General Meeting is entitled to one (1) vote.
- 17.2 The Chairperson shall not be entitled to a deliberative vote and, in the event of a tied vote; the Chairperson shall exercise a casting vote.
- 17.3 At a General Meeting:
 - a) an ordinary resolution put to the vote will be decided by a majority of votes; and
 - b) a special resolution put to the vote will be decided in accordance with section 24 of the Act as defined in rule 2; and in each case shall be cast on a show of hands, unless a poll is demanded, under rule 17.6.
- 17.4 A declaration by the Chairperson of a General Meeting that a resolution has been passed either as an ordinary resolution or a special resolution at the meeting will be evidence of that fact, unless a poll is demanded under rule 17.6.
- 17.5 At a General Meeting, a poll may be demanded by the Chairperson or by three or more financial Members present in person and, if so demanded, must be taken in such manner as the President directs.
- 17.6 A poll demanded under rule 17.6 must be taken immediately on that demand being made.

18. MINUTES OF MEETINGS

- 18.1 The Public Officer shall keep proper minutes of meeting proceedings which shall be approved by the Management Committee at a properly constituted General Meeting or Management Committee meeting and thereafter signed as true record by the Chairman and Public Officer.

- 18.2 The Public Officer shall keep a register of all resolutions made during a properly constituted General Meeting or Management Committee meeting.
- 18.3 When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that:
 - (a) the General Meeting or Management Committee meeting to which they relate was duly convened and held;
 - (b) all proceedings recorded as having taken place at the General Meeting or Management Committee meeting did in fact take place at the relevant meeting; and
 - (c) all appointments or elections purporting to have been made at the General Meeting or Management Committee meeting have been validly made.

19. Finance

- 19.1 All funds of the Council shall be deposited into the Council's accounts at such bank or recognised financial institution as the Management Committee may determine.
- 19.2 All accounts due by the Council shall be paid by cheque after having being approved for payment at the Management Committee meeting, and when immediate payment is necessary, account/s shall be paid and the action endorsed at the next Management Committee meeting.
- 19.3 The Public Officer shall not spend more than a set amount of petty cash without the consent of the Management Committee, and shall keep a record of such expenditure in a Petty Cash Book or alternative electronic record.
- 19.4 A statement showing the financial position of the Council shall be tabled at each Management Committee meeting by the Treasurer.
- 19.5 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The auditor's report shall be attached to such financial report.
- 19.6 The accounts, books and all financial records of the Council shall be audited each financial year.
- 19.7 The signatories to the Council account/s will be the Treasurer and any one (1) from the following:
 - (a) Chairperson
 - (b) Vice Chairperson
 - (c) Public Officer

20. Records of the Council

The Treasurer and Public Officer must, upon the request of a Member of the Council having given 14 days written notice, make available the records of the Council for the inspection by the Member at such place determined by the Management Committee. The Member may make a copy of such records at the Member's expense but the Member will have no right to remove the record for that or any other purpose.

21. Alterations to the Constitution

- 21.1 No alteration, repeal or addition shall be made to this Constitution except at a General Meeting called for that purpose.
- 21.2 Notice of all motions to alter, repeal or add to this Constitution shall be given to Members, and to each Management Committee member, not less than fourteen (14) days prior to the General Meeting.
- 21.3 Such motions, or any part thereof, shall be of no effect unless passed by a special resolution.
- 21.4 Within one month of the passing of a special resolution, the Public Officer shall notify the department of the amendment.

22. Indemnity Clause

- 22.1 Each member of the Management Committee and its sub committees shall be indemnified by the Council against any loss, expense or liability incurred by reason of any act or deed done by the person in good faith as a member of the Management Committee, including as a result of defending any proceedings whether civil or criminal in which judgement is given in favour of the person or in which the indemnity shall be granted to a member of the Management Committee that has caused such liability or loss through their dishonesty, deceit or fraudulent act or omission.

23. Dispute Resolution

- (1) The grievance procedure set out in this rule applies to disputes under these rules between-
 - (a) a Member and another Member; or
 - (b) a Member and the Council.
- (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.
- (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.
- (4) The mediator must be-
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement-

(i) in the case of a dispute between a Member and another Member, a person appointed by the Management Committee;

(ii) in the case of a dispute between a Member or relevant non-member (as defined by sub-rule (1) (c)) and the Council, a person who is a mediator appointed to, or employed with, a not for profit organisation.

(5) A Member of the Council can be a mediator.

(6) The mediator cannot be a Member who is a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must-

(a) give the parties to the mediation process every opportunity to be heard;

(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

(9) The mediator must not determine the dispute.

(10) The mediation must be confidential and without prejudice.

(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.

24. Inspection of records, etc. of The Council

(1) A member may at any reasonable time inspect without charge the books, documents, records and securities of the Council with not less than 7 days notice at the office bearers' designation.

(2) Any copies of documents, records and securities of the Council required by the member to be at the member's expense.

25. Dissolution

If upon the winding up or dissolution of the Council 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 objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.

26. Common Seal

The common seal of the Council shall be kept in the care of the Chairperson. The seal shall not be used or affixed to any deed or document except pursuant to a resolution of the Council, and in the presence of at least two members of the Management Committee, both of whom shall subscribe their names as witnesses.