

Whitehorse Cyclists Inc – Statement of Purpose and Rules

(Updated November 2005)

PART 1 – STATEMENT OF PURPOSE

The purposes of the Association are:

- 1) To organise and participate in various bicycle rides
- 2) To provide a forum for cyclists to meet and discuss cycling matters in a friendly and personal matter
- 3) To work closely with relevant authorities to establish and/or improve safe cycling conditions
- 4) To promote safe and responsible cycling
- 5) To co-operate with like minded bodies to further the interests of cycling
- 6) To encourage members of the community to undertake cycling for exercise, recreation and transportation

Solely for the purpose of furthering the purposes set out above the Association shall have power:

- a) To subscribe to, become a member of and co-operate with any other Association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any club, Association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of the Rules.
- b) To buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Association or persons frequenting the Association's premises.
- c) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purpose of, or capable of being conveniently used in connection with, any of the objects of the Association: Provided that in case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts.
- d) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association; to obtain from any such Government or Authority any rights, privileges and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights privileges and concessions.
- e) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association.
- f) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.
- g) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit.
- h) To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate.
- i) To lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate.
- j) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- k) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association.

- l) To take or hold mortgages, liens or charges, to secure payment of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association, or any money due to the Association from purchasers and others.
- m) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association but subject always to the proviso in paragraph c).
- n) To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association being annual subscriptions or otherwise.
- o) To print and publish in any format, any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects.
- p) To amalgamate with any one or more incorporated Associations having objects altogether or in part similar to those of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Association under or by virtue of the Rules.
- q) To purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated Associations with which the Association is authorised to amalgamate.
- r) To transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated Associations with which the Association is authorised to amalgamate.
- s) To make donations for patriotic, charitable, community or other purposes.
- t) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.

PART 2 – RULES

List of Rules

1. Introduction
2. Membership
3. Annual Subscription
4. Register of Members
5. Resignation of Member
6. Discipline of Member
7. Annual General Meeting
8. General Meetings
9. Special General Meetings
10. Convening of Annual and Special General Meetings
11. Procedures of Annual and Special General Meetings
12. Committee of Management
13. Vacancy of Committee Membership
14. Procedure of Committee
15. Duties of Secretary
16. Duties of Treasurer
17. Removal of Committee Member
18. Cheques, etc.
19. Alteration of Rules and Statement of Purpose
20. Notices
21. Disposal of Assets
22. Custody of Books
23. Source of Funds
24. Appendices
25. Extract from Associations Incorporation Act (1981) Schedule 5 – Model Rules for an Incorporated Association –Disputes and mediation. (Note: As directed by Consumer Affairs Victoria)

1. INTRODUCTION

1. The name of the Incorporated Association is Whitehorse Cyclists Inc. (in these rules called “the Association”).
 - 1.1. In these rules unless the contrary intention appears:
 - “Committee” means the Committee of Management of the Association
 - “Financial year” means the year ending on 30 September
 - “General Meeting” means a general meeting of members convened in accordance with Rule 8 or Rule 10.
 - “Member” means a member of the Association
 - “Ordinary Member of the Committee” means a member of the Committee who is not an officer of the Association under Rule 12.3
 - “The Act” means the Associations Incorporation Act 1981
 - “The Regulations” means regulations under the Act
 - 1.2. In these Rules, a reference to the secretary of an Association is a reference:
 - (a) Where a person holds office under these Rules as secretary of the Association to that person; and
 - (b) in any other case, to the public officer of the Association.

- 1.3. Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Interpretation of Legislation Act 1984 and the Act as in force from time to time.

2. MEMBERSHIP

- 2.1. A natural person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these rules.
- 2.2. A nomination of a person for membership of the Association:
- (a) shall be made in writing on an Application for Membership form as approved by the Committee from time to time
 - (b) shall be lodged with the secretary or treasurer of the Association.
 - (c) shall be accompanied with the relevant fee
- 2.3. The Committee reserves the right to approve or reject a nomination for membership
- 2.4. Upon receipt of the Application for Membership form and payment of appropriate fee, the nominee's name is entered in the register of members and becomes a member of the Association.
- 2.5. A right, privilege, or obligation of a person by reason of his membership of the Association:
- (a) is not capable to being transferred or transmitted to another person;
 - (b) terminates upon the cessation of his membership whether by death or resignation or otherwise.

3. ANNUAL SUBSCRIPTION

- 3.1. The annual subscription is an amount the Committee of Management resolves is appropriate. It is due on application for Membership and at renewal on the 1st of February each year .

4. REGISTER OF MEMBERS

- 4.1. A register of members shall be kept and maintained. The information in this register will not be sold or licensed to any third party. All reasonable steps will be taken to ensure that the information is kept secure and that access is restricted to the person it relates to and to those who require access to perform the functions of the Association.

5. RESIGNATION OF MEMBER

- 5.1. A member of the Association who has paid all moneys due and payable by him to the Association may resign from the Association by first giving one month's notice in writing to the secretary of his intention to resign and upon the expiration of that period of notice the member shall cease to be a member.
- 5.2. Upon expiration of a notice given under Rule 5.1. an entry shall be made in the register of members recording the date on which the member by whom the notice was given ceased to be a member.

6. DISCIPLINE OF MEMBER

- 6.1. Subject to these rules the Committee may, by resolution:
- (a) expel a member from the Association;
 - (b) suspend a member from membership of the Association for a specified period; or
 - (c) fine a member in accordance with the Regulations if the Committee is of the opinion that the member -
 - i) has refused or neglected to comply with these rules; or
 - ii) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.
- 6.2. A resolution of the Committee under Rule 6.1.:
- (a) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under Rule 6.3. confirms the resolution in accordance with this rule; and
 - (b) where the member exercises a right of appeal to the Association under this rule it does not take effect unless the Association confirms the resolution in accordance with this rule.
- 6.3. Where the Committee passes a resolution under Rule 6.1. the secretary shall, as soon as practicable, cause to be served on the member a notice in writing:
- (a) setting out the resolution of the Committee and the grounds on which it is based;
 - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of that meeting;
 - (d) informing the member that he may do one or more of the following:
 - i) attend that meeting;
 - ii) give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - iii) lodge with the secretary, not later than 24 hours before the date of the meeting, a notice to the effect that he wishes to appeal to the Association against the resolution at a General Meeting
- 6.4. At a meeting of the Committee held in accordance with Rule 6.3., the Committee:
- (a) shall give to the member an opportunity to be heard;
 - (b) shall give due consideration to any written statement submitted by the member; and
 - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- 6.5. Where the secretary receives a notice under Rule 6.3. (d) iii), he shall notify the Committee and the Committee shall convene a general meeting of the Association to be held within 21 days after the date on which the secretary received the notice.
- 6.6. At a general meeting of the Association convened under Rule 6.5:

- (a) no business other than the question of the appeal shall be transacted;
- (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
- (c) the member shall be given an opportunity to be heard; and
- (d) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

6.7. If at the general meeting:

- (a) two-thirds of the members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and
- (b) in any other case the resolution is revoked.

7. ANNUAL GENERAL MEETING

- 7.1. The Association shall in each calendar year convene an annual general meeting of its members.
- 7.2. The annual general meeting shall be held on such day as the Committee determines.
- 7.3. The annual general meeting shall be specified as such in the notice convening it.
- 7.4. The ordinary business of the annual general meeting shall be:
 - (a) to confirm the minutes of the preceding annual general meeting and of any general meeting held since that meeting;
 - (b) to receive from the Committee reports upon the transactions of the Association during the last preceding financial year;
 - (c) to elect officers of the Association and the ordinary members of the Committee; and
 - (d) to receive and consider the statement submitted by the Association in accordance with Section 30 (3) of the Act.
- 7.5. The annual general meeting may transact special business of which notice is given in accordance with these rules.
- 7.6. The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

8. GENERAL MEETINGS

- 8.1. All monthly meetings are general meetings and the dates and location shall be advised in the Association's newsletter.

9. SPECIAL GENERAL MEETINGS

- 9.1. The Committee may, whenever it thinks fit, convene a special general meeting of the Association and where, but for this Rule, more than 15 months would lapse between annual general meetings, shall convene a special general meeting before the expiration of that period.
- 9.2. The Committee shall, on the requisition in writing of members representing not less than 5% of the total number of members, convene a special general meeting of the Association.

- 9.3. The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- 9.4. If the Committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than three months after that date.
- 9.5. A special general meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expense.

10. CONVENING OF ANNUAL AND SPECIAL GENERAL MEETINGS

- 10.1. The secretary of the Association shall, at least 14 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at his address appearing in the register of members, a notice by pre-paid post or electronic transmission stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 10.2. No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- 10.3. A member desiring to bring any business before a meeting may give notice of that business in writing to the secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

11. PROCEDURES OF ANNUAL AND SPECIAL GENERAL MEETINGS

- 11.1. All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business.
- 11.2. No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- 11.3. 20% of members (rounded down to the nearest whole number) personally present (being members entitled under these rules to vote at a **Special General Meeting**) constitute a quorum for the transaction of the business of a general meeting.
- 11.4. If within half an hour after the appointed time for the commencement of an **Annual and Special General Meeting**, a quorum is not present, the meeting as convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 20% of the members rounded down to the nearest whole number) shall be a quorum.
- 11.5. The President, or in his absence, the Secretary, shall preside as Chairman at each general meeting of the Association.

- 11.6. If the President and the Secretary are absent from a general meeting, the members present shall elect one of their number to preside as Chairman at the meeting.
- 11.7. The Chairman at a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 11.8. Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
- 11.9. Except as provided in Rules 11.7. and 11.8., it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
- 11.10. A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against that resolution.
- 11.11. Upon any question arising at a general meeting of the Association, a member has one vote only.
- 11.12. All votes shall be given personally or by proxy.
- 11.13. In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote. 20% of the members rounded down to the nearest whole number
- 11.14. If at a meeting a poll on any question is demanded by not less than 20% of the members rounded down to the nearest whole number, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 11.15. A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.
- 11.16. A member is not entitled to vote at any general meeting unless all moneys due and payable by him to the Association have been paid.
- 11.17. Each member shall be entitled to appoint another member as his proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- 11.18. The notice appointing the proxy shall be in the form set out in Appendix 1

12. COMMITTEE OF MANAGEMENT

- 12.1. The affairs of the Association shall be managed by a Committee of Management constituted as provided in Rule 12.7.
- 12.2. The Committee:
- (a) shall control and manage the business and affairs of the Association;
 - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and

functions that are required by these rules to be exercised by general meetings of the members of the Association; and

- (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

12.3. The officers of the Association shall be:

- (a) a President;
- (b) a Treasurer; and
- (c) a Secretary.

12.4. The provisions of Rule 13 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the officers mentioned in Rule 12.3.

12.5. Each officer of the Association shall hold office until the annual general meeting next after the date of his election but is eligible for re-election.

12.6. In the event of a casual vacancy in any office referred to in 12.3., the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his appointment.

12.7. Subject to Section 23 of the Act, the Committee shall consist of:

- (a) the officers of the Association; and
- (b) as many ordinary members as determined by the Officers of the Association for the orderly running of the Club each of whom shall be elected at the annual general meeting of the Association of each year.

12.8. Each ordinary member of the Committee shall, subject to these rules, hold office until the annual general meeting next after the date of his election but is eligible for re-election.

12.9. In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of his appointment.

12.10. Nominations of candidates for election as officers of the Association or as ordinary members of the Committee:

- (a) shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
- (b) shall be delivered to the secretary of the Association not less than seven days before the date fixed for the holding of the annual general meeting.

12.11. If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.

12.12. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

- 12.13. If the number of nominations exceeds the number of vacancies to be filled, a secret ballot shall be held.
- 12.14. The ballot for the election of officers and ordinary members of the Committee shall be conducted at the annual general meeting.
- 12.15. A nomination of a candidate for election under this rule is not valid if that candidate has been nominated for another office for election at the same time.

13. VACANCY OF COMMITTEE MEMBERSHIP

- 13.1. For the purpose of these rules, the office of an officer of the Association or of an ordinary member of the Committee becomes vacant if the officer or member:
- (a) ceases to be a member of the Association;
 - (b) becomes an insolvent under administration within the meaning of the Corporations Law; or
 - (c) resigns his office by notice in writing given to the Secretary.

14. PROCEDURE OF COMMITTEE

- 14.1. The Committee shall meet at least two times in each year at such place and such times as the Committee may determine.
- 14.2. Special meetings of the Committee may be convened by the President or by any four of the members of the Committee.
- 14.3. Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 14.4. Any four members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- 14.5. No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- 14.6. At meetings of the Committee:
- (a) the President or in his absence the Secretary shall preside; or
 - (b) if the President and the Secretary are absent, one of the remaining members of the Committee as may be chosen by the members present shall preside.
- 14.7. Questions arising at a meeting of the Committee or of any sub-Committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a secret ballot taken in such manner as the person presiding at the meeting may determine.
- 14.8. Each member present at a meeting of the Committee or of any sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 14.9. Written notice of each Committee meeting shall be served on each member of the Committee by delivering it to him at a reasonable time before the meeting or by sending it by

pre-paid post addressed to him at his usual or last known place of abode or by digital means to his email address at least two business days before the date of the meeting.

- 14.10. Subject to Rule 14.4. the Committee may act notwithstanding any vacancy on the Committee.

15. DUTIES OF SECRETARY

- 15.1. The Secretary of the Association shall keep minutes of the resolutions and proceedings of each general meeting and each Committee meeting in books and / or digital format provided for that purpose together with a record of the names of persons present at Committee meetings

16. DUTIES OF TREASURER

- 16.1. The Treasurer of the Association:
- (a) shall collect and receive all moneys due to the Association and make all payment authorised by the Association ; and
 - (b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- 16.2. The accounts and books referred to in Rule 16.1.(b) shall be available for inspection by members.

17. REMOVAL OF COMMITTEE MEMBER

- 17.1. The Association in general meeting may by resolution remove any member of the Committee before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of the first mentioned member.
- 17.2. Where the member to whom a proposed resolution referred to in Rule 17.1. makes representations in writing to the secretary or President of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association, the secretary or the President may send a copy of the representations to each member of the Association or, if they are not so sent, the member may require that they be read out at the meeting.

18. CHEQUES, ETC.

- 18.1. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by an Officer of the Association

19. ALTERATION OF RULES AND STATEMENT OF PURPOSES

- 19.1. These Rules and the Statement of Purpose of the Association shall not be altered except in accordance with the Act.

20. NOTICES

- 20.1. A notice may be served by or on behalf of the Association upon any member personally, by sending it by post to the member at his address (including electronic) shown in the Register of Members.
- 20.2. Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

21. DISPOSAL OF ASSETS

- 21.1. In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act.

22. CUSTODY OF BOOKS

- 22.1. Except as otherwise provided in these Rules, the secretary shall keep in his custody or under his control all books, documents and securities of the Association.

23. SOURCE OF FUNDS

- 23.1. The funds of the Association shall be derived from annual subscriptions, donations and such other sources as the Committee shall determine.

24. APPENDICES

- 24.1. Form of Appointment as Proxy

25. EXTRACT FROM ASSOCIATIONS INCORPORATION ACT (1981)

- 25.1 Schedule 5 – Model Rules for an Incorporated Association
Clause 8. Disputes and mediation.

Note: This clause was not part of this document accepted by Special Resolution of the members at the Annual General Meeting held on 8 November 2005. It has been included at the direction of Consumer Affairs Victoria following our lodgment of the altered Statement of Purpose and Rules as required under legislation.

Appendix 1

FORM OF APPOINTMENT AS PROXY

I.....of.....

being a member of Whitehorse Cyclists Inc

Hereby
appoint.....of.....

being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the general meeting of the Association (annual general meeting or special general meeting as the case may be) to be held on the.....day of
.....

and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

Signed.....

The.....day of.....20....

8. Disputes and mediation

- (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 Association,
- (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 committee of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the Association 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; and
 - (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) 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.