

Northern Territory of Australia
OATHS ACT
STATUTORY DECLARATION

(1)
Insert name
& address of
person making
the declaration

I, (1).....SAMIR RAUT.....
of 18 ORCHARD RD. DARWIN NT.....

(2)
Insert name
of entity

do solemnly and sincerely declare:

(3)
Insert date of
meeting

1. I am the Public Officer of
(2).....INDIAN CULTURAL SOCIETY of
the NORTHERN TERRITORY.....Incorporated

2. The following resolution to amend the association's constitution
was passed in accordance with the constitution at a meeting

held on (3) 02 / 07 / 2011.....

RESOLUTION: "that the constitution (a copy of which is
attached at annexure "A") be adopted"

3. The Amended Constitution complies with the *Associations Act*

I make this solemn declaration by virtue of the *Oaths Act* and
conscientiously believing the statements contained in this
declaration and accompanying application to be true in every
particular.

(4)
Signature of the
person making
the declaration

Declared at.....DARWIN.....on the...10th...day of...AUG....20...11..
76 ESPLANADE

(5)
Signature of
person before
whom the
declaration is
made.

(4).....[Signature].....

Before me

(5).....[Signature].....

(6)
Full contact
details of
person before
whom the
declaration is
made, legibly
written, typed
or stamped

(6).....STEPHEN TURNBULL.....

76 ESPLANADE
89821700.....

NOTE: This declaration may be made before any person who has attained
the age of (18) eighteen years.
A person wilfully making a false statement in a statutory declaration
is liable to a penalty of \$2000 or imprisonment for 12 months, or
both.

form_ia_amend_constn_assn V1

THIS IS THE ANNEXURE MARKED "A" REFERRED TO IN THE STATUTORY DECLARATION OF

SAMIR RAUT (NAME OF PUBLIC OFFICER)

MADE ON THE 10th DAY OF August 20 11.

BEFORE ME [Signature]

(SIGNATURE OF WITNESS ON STATUTORY DECLARATION)

CONSTITUTION OF THE INDIAN CULTURAL SOCIETY OF THE NORTHERN TERRITORY INCORPORATED

PART 1 – PRELIMINARY

1. Name

The name of the incorporated association is the Indian Cultural Society of the Northern Territory Incorporated.

2. Objects and purposes

The objects and purposes of the Society are:

1. to establish a secular and non political forum for the members of the society;
2. to promote the knowledge and understanding of Indian art and culture;
3. to provide cultural, social, sporting and recreational activities for its members and others;
4. to foster and promote the study and use of indian languages among the members of the Society as well as others in the general community;
5. to establish and manage a resource centre with Indian epics, books, periodicals, films and other information material;
6. to provide counselling and assistance to members under stressful circumstances;
7. to encourage any group or social activity as desired by the general membership of the society.

3. Minimum number of members

The Society must have at least ten members.

4. Definitions

In this Constitution, unless the contrary intention appears –

"Act" means the *Associations Act* and regulations made under that Act;

"Committee" means the Management Committee of the Society;

"financial institution" means an authorised deposit-taking institution within the meaning of section 5 of the *Banking Act 1959* of the Commonwealth;

"general meeting" means a general meeting of members convened in accordance with clause 44;

"member" means a member of the Society;

"register of members" means the register of the Society's members established and maintained under section 34 of the Act;

"special resolution" means a resolution notice of which is given under clause 47 and passed in accordance with section 37 of the Act.

"Dependent" means children under the age of 21 years and not working and/or visiting parents.

"Society" means the Indian Cultural Society of the Northern Territory Incorporated.

PART 2 – CONSTITUTION AND POWERS OF SOCIETY

5. Powers of Society

(1) For achieving its objects and purposes, the Society has the powers conferred by sections 11 and 13 of the Act.

(2) Subject to the Act, the Society may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may –

- (a) acquire, hold and dispose of real or personal property;
- (b) open and operate accounts with financial institutions;
- (c) invest its money in any security in which trust monies may lawfully be invested;
- (d) raise and borrow money on the terms and in the manner it considers appropriate;
- (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

- (f) appoint agents to transact business on its behalf; and
- (g) enter into any other contract it considers necessary or desirable.

6. Effect of Constitution

This Constitution binds every member and the Society to the same extent as if every member and the Society had signed and sealed this Constitution and agreed to be bound by it.

7. Inconsistency between Constitution and Act

If there is any inconsistency between this Constitution and the Act, the Act prevails.

8. Altering the Constitution

(1) The Society may alter this Constitution by special resolution but not otherwise.

(2) If the Constitution is altered, the public officer must ensure compliance with section 23 of the Act.

PART 3 – MEMBERS

Division 1 – Membership

9. Categories of Membership

Membership of the Society shall be open to any person who is a resident of the Northern Territory and has an interest and involvement in Indian art and culture. The Society shall have the following categories of membership:

- (1) Individual Membership is open to an individual who has attained the age of 18 years and each individual shall be entitled to one vote.
- (2) Family Membership is open to partners and their dependents under the age of 21 years and each partner shall be entitled to one vote.
- (3) Life Membership is open to individuals upon payment of ten (10) times the subscription of an individual membership. Life members shall not be required to pay an annual subscription and shall be entitled to one vote.
- (4) Honorary Membership is awarded by the Society to a person who has rendered distinguished service to the Society. Honorary members must be elected by at least a three fourths majority of

the members present and voting at an Annual General Meeting. No more than two honorary members shall be elected in any one year and honorary members shall not exceed 10% of the total membership of the Society. An honorary member shall not be required to pay an annual subscription and shall be entitled to one vote.

- (5) Concessional and Student Membership is open to individuals determined by the Management Committee to be in financial hardship or who are students and they shall not be entitled to a vote

10. Application for membership

To apply to become a member of the Society, a person must –

- (a) submit a written application for membership to the Committee –
 - (i) in a form approved by the Committee; and
 - (ii) signed by the person and both of the members referred to in paragraph (b); and
- (b) be proposed by one member and seconded by another member.

11. Approval of Committee

(1) The Committee must consider any application made under clause 10 at the next available committee meeting or within 2 months (whichever is earlier) and must accept or reject the application at that meeting.

(2) If an application is rejected, the applicant may appeal against the decision by giving notice to the Secretary within 14 days after being advised of the rejection.

(3) If an applicant gives notice of an appeal against the rejection of his or her application, the Committee must reconsider the application at the next committee meeting after receipt of the notice of appeal.

(4) If after reconsidering an application the Committee reaffirms its decision to reject the application, the decision is final.

12. Joining fee

(1) If an application for membership is approved by the Committee, the applicant becomes a member on payment of the joining fee.

(2) The joining fee is the amount determined from time to time by resolution at a general meeting.

13. Annual membership fees

(1) The annual membership fee is the amount determined from time to time by resolution at an annual general meeting.

(2) Membership is due on the first of July each year, and must be paid within two months of the beginning of the financial year.

(3) A member whose membership fee is not paid within 2 months after the due date ceases to be a member unless the Committee determines otherwise.

(4) Subscription money's received for life membership shall be transferred to a capital reserve and represented by long term fixed deposit.

Division 2 – Rights of members

14. General

(1) Subject to clause 15(2), a member may exercise the rights of membership when his or her name is entered in the register of members.

(2) A right of membership of the Society –

(a) is not capable of being transferred or transmitted to another person; and

(b) Terminates on the cessation of membership whether by death, resignation or otherwise.

15. Voting

(1) Subject to subclause (2) and the category of membership referred to at clause 9, each member has one vote at general meetings of the Society.

(2) A member is not eligible to vote until 10 working days after his or her application has been accepted.

16. Notice of meetings and special resolutions

The Secretary must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

17. Access to information on Society

The following must be available for inspection by members:

(a) a copy of this Constitution;

(b) a copy of the Register of Members

(c) minutes of general meetings;

- (d) annual reports and annual financial reports; and
- (e) minutes of the management committee meetings.

18. Raising grievances and complaints

(1) A member may raise a grievance or complaint about a committee member, the Committee or another member of the Society.

(2) The grievance or complaint must be dealt with by the procedures set out in Part 8.

Division 3 – Termination, death, suspension and expulsion

19. Termination of membership

Membership of the Society may be terminated by –

- (a) a notice of resignation addressed and posted to the Society or given personally to the Secretary or another committee member;
- (b) non-payment of the annual membership fee within the time allowed under clause 13(3); or
- (c) expulsion in accordance with this Division.

20. Death of member or whereabouts unknown

If a member dies or the whereabouts of a member are unknown, the Committee must cancel the member's membership.

21. Suspension or expulsion of members

(1) If the Committee considers that a member should be suspended or expelled because his or her conduct is detrimental to the interests of the Society, the Committee must give notice of the proposed suspension or expulsion to the member.

(2) The notice must –

- (a) be in writing and include –
 - (i) the time, date and place of the committee meeting at which the question of that suspension or expulsion will be decided; and
 - (ii) the particulars of the conduct; and
- (b) be given to the member not less than 30 days before the date of the committee meeting referred to in paragraph (a) (i).

(3) At the meeting, the Committee must afford the member a reasonable opportunity to be heard or to make representations in writing.

(4) The Committee may suspend or expel or decline to suspend or expel the member from the Society and must give written notice of the decision and the reason for it to the member.

(5) Subject to clause 22, the decision to suspend or expel a member takes effect 14 days after the day on which notice of the decision is given to the member.

22. Appeals against suspension or expulsion

(1) A member who is suspended or expelled under clause 21 may appeal against that suspension or expulsion by giving notice to the Secretary within 14 days after receipt of the Committee's decision.

(2) The appeal must be considered at a general meeting of the Society and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing prior to the meeting for circulation at the meeting.

(3) The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Committee to suspend or expel the member.

(4) The member is not suspended or does not cease to be a member until the decision of the Committee to suspend or expel him or her is confirmed by a resolution of the members.

PART 4 – MANAGEMENT COMMITTEE

Division 1 – General

23. Role and powers

(1) The business of the Society must be managed by or under the direction of a Management Committee.

(2) The Committee may exercise all the powers of the Society except those matters that the Act or this Constitution requires the Society to determine through a general meeting of members.

(3) The annual general meeting will nominate three members to form a tender committee, who shall not have direct or indirect pecuniary interest in any contract put up for tender. This committee will be in charge of deciding on tenders that come up from time to time.

(4) The Committee may appoint and remove staff.

(5) The Committee may establish one or more subcommittees consisting of the members of the Society the Committee considers appropriate.

(6) The Committee shall not borrow or raise money with or without security by any means whatsoever, including overdraft, with out approval by a $\frac{3}{4}$ majority of the members present at a general meeting.

24. Composition of Committee

(1) The Management Committee consists of –

- (a) a President;
- (b) a Vice-President;
- (c) a Secretary;
- (d) a Treasurer;
- (e) an Assistant Secretary;
- (f) an Assistant Treasurer; and
- (g) Three (3) other members.

(2) Unless elected directly as a separate office holder, the Committee must appoint one committee member to be the Society's public officer.

25. Delegation

(1) The Committee may delegate to a subcommittee or staff any of its powers and functions other than –

- (a) this power of delegation; or
- (b) a duty imposed on the Committee by the Act or any other law.

(2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.

(3) The Committee may, in writing, revoke wholly or in part the delegation.

Division 2 – Tenure of office

26. Eligibility of committee members

(1) A committee member must be a member who is 18 years or over.

(2) A committee member shall not hold office unless all monies payable to the Society have been paid and is a person not disqualified by section 30 of the Associations Act.

(3) Committee members must be elected to the Committee at an annual general meeting or appointed under clause 33.

(4) The position of President, Secretary and Treasurer must be occupied by persons who have been members of the Society for at least 12 months.

(5) Two or more members of the same family shall not, in any financial year, be eligible to hold any position on the Management Committee including that of Public Officer.

27. Nominations for election to committee

(1) A member is eligible for election to the Committee provided the Secretary receives a written nomination for that member by another member not less than 7 days before the date of the next annual general meeting.

(2) The nomination must be signed by –

(a) the nominator and a seconder, who shall both be members; and

(b) the nominee to signify his or her willingness to stand for election.

28. Retirement of committee members

(1) A committee member holds office until the next annual general meeting unless the member vacates the office under clause 31 or is removed under clause 32.

(2) Subject to subclause (3), at an annual general meeting the office of each committee member becomes vacant and elections for a new Committee must be held.

(3) The President of the outgoing Committee must preside at the annual general meeting until a new member is elected as President.

(4) A President, Vice President, Secretary, Treasurer, Assistant Secretary or Assistant Treasurer who have served in that capacity for two (2) consecutive terms shall not be eligible for re-election to the same position for the following term.

(5) The President, Secretary and Treasurer shall not together hold their respective or each other's offices for two (2) consecutive terms.

29. Election by default

(1) If the number of persons nominated for election to the Committee under clause 27 does not exceed the number of vacancies to be filled, the

Chairperson must declare the persons to be duly elected as members of the Committee at the annual general meeting.

(2) If vacancies remain on the Committee after the declaration under subclause (1), additional nominations of committee members may be accepted from the floor of the annual general meeting.

(3) If the nominations from the floor do not exceed the number of remaining vacancies, the Chairperson must declare those persons to be duly elected as members of the Committee.

(4) If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Committee in accordance with clause 33.

30. Election by ballot

(1) If the number of nominations exceeds the number of vacancies on the Committee, ballots for those positions must be conducted.

(2) The ballot must be conducted by secret ballot unless the Chair of the meeting determines otherwise or unless a majority of those present and entitled to vote determine otherwise in which case voting shall be by secret ballot.

(3) The members chosen by ballot must be declared by the Chairperson to be duly elected as members of the Committee.

31. Vacating office

The office of a committee member becomes vacant if –

- (a) the member –
 - (i) is disqualified from being a committee member under section 30 or 40 of the Act;
 - (ii) resigns by giving written notice to the Committee;
 - (iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;
 - (iv) ceases to be a resident of the Territory; or
 - (v) ceases to be a member of the Society;
- (b) the member is absent from more than –
 - (i) 3 consecutive committee meetings; or
 - (ii) 3 committee meetings in the same term without tendering an apology to the President prior to the meeting;

of which meetings the member received notice and the Committee has resolved to declare the office vacant.

32. Removal of committee member

(1) The Society, through a special general meeting of members, may remove any committee member before the member's term of office ends.

(2) If a vacancy arises through removal under subclause (1), an election must be held to fill the vacancy.

33. Filling casual vacancy on Committee

(1) If a vacancy remains on the Committee after the application of clause 29 or if the office of a committee member becomes vacant under clause 31, the Committee may appoint any member of the Society to fill that vacancy.

(2) However, if the office of public officer becomes vacant, a person must be appointed under section 27(6) of the Act to fill the vacancy.

Division 3 – Duties of committee members

34. Collective responsibility of Committee

(1) As soon as practicable after being elected to the Committee, each committee member must become familiar with the Act and regulations made under the Act.

(2) The Committee is collectively responsible for ensuring the Society complies with the Act and regulations made under the Act.

35. President and Vice-President

(1) Subject to subclauses (2) and (3), the President must preside at all general meetings and committee meetings.

(2) If the President is absent from a meeting, the Vice-President must preside at the meeting.

(3) If the President and the Vice-President are both absent, the presiding member for that meeting must be –

- (a) a member elected by the other members present if it is a general meeting; or
- (b) a committee member elected by the other committee members present if it is a committee meeting.

36. Secretary

The Secretary must –

- (a) coordinate the correspondence of the Society;
- (b) ensure minutes of all proceedings of general meetings and of committee meetings are kept in accordance with section 38 of the Act;
- (c) maintain the register of members in accordance with section 34 of the Act and provide an updated copy of the register of members to the public officer on a monthly basis;
- (d) unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Society, other than those required by clause 37(5) to be in the custody of the Treasurer; and
- (e) perform any other duties imposed by this Constitution on the Secretary.

37. Treasurer

(1) The Treasurer must –

- (a) receive all moneys paid to or received by the Society and issue receipts for those moneys in the name of the Society;
- (b) pay all moneys received into the account of the Society within 7 working days after receipt or as soon as practicable;
- (c) make any payments authorised by the Committee or by a general meeting of the Society from the Society's funds; and
- (d) ensure cheques and other transactions are authorised by him or her and at least one other committee member, or by any 2 other committee members authorised by the Committee.

(2) The Treasurer must ensure the accounting records of the Society are kept in accordance with section 41 of the Act.

(3) The Treasurer must coordinate the preparation of the Society's annual statement of accounts and present them to the Management Committee within 21 days of the end of the financial year.

(4) If directed to do so by the President, the Treasurer must submit to the Committee a report, balance sheet or financial statement in accordance with that direction.

(5) The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Society unless the members resolve otherwise at a general meeting.

(6) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

(7) The Treasures shall submit a monthly statement of revenue and expenditure to the Management Committee.

(8) The Treasurer shall prepare and present a budget for the approval of the Management Committee at the first meeting of that Committee.

38. Public officer

(1) The public officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act.

(2) The public officer must keep a current copy of the Constitution of the Society and a copy of the register of members which will be available for inspection by any member.

PART 5 – MEETINGS OF MANAGEMENT COMMITTEE

39. Frequency and calling of meetings

(1) The Committee must meet together for the conduct of business not less than 4 times in each financial year.

(2) The President, or at least half the committee members, may at any time convene a special meeting of the Committee.

(3) A special meeting may be convened to deal with an appeal under clause 22.

40. Voting and decision making

(1) Each committee member present at the meeting has a deliberative vote.

(2) A question arising at a committee meeting must be decided by a majority of votes.

(3) If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.

41. Quorum

For a committee meeting, one-half of the committee members, one of whom shall be the President, Vice-President or the Secretary, constitutes a quorum.

42. Procedure and order of business

(1) The procedure to be followed at a committee meeting must be determined from time to time by the Committee.

(2) The order of business may be determined by the members present at the meeting.

(3) Only the business for which the meeting is convened may be considered at a special meeting.

43. Disclosure of interest

(1) A committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Society must disclose the nature and extent of the interest to the Committee in accordance with section 31 of the Act.

(2) The Secretary must record the disclosure in the minutes of the meeting.

(3) Every member of the Management Committee has the responsibility to ensure that any committee member, who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.

PART 6 – GENERAL MEETINGS

44. Convening general meetings

(1) The Society must hold its annual general meetings within 3 months after the end of the Society's financial year.

(2) The Committee –

(a) may at any time convene a special general meeting;

(b) must, within 30 days after the Secretary receives a notice under clause 22(1), convene a special general meeting to deal with the appeal to which the notice relates; and

(c) must, within 30 days after it receives a request under clause 45(1), convene a special general meeting for the purpose specified in that request.

45. Special general meetings

(1) Half the number of members constituting a quorum for a general meeting may make a written request to the Committee for a special general meeting.

(2) The request must –

- (a) state the purpose of the special general meeting; and
- (b) be signed by the members making the request.
- (3) If the Committee fails to convene a special general meeting within the time allowed –

- (a) for clause 44(3)(b) – the appeal against the decision of the Committee is upheld; and
- (b) for clause 44(3)(c) – the members who made the request may convene a special general meeting as if they were the Committee.
- (4) If a special general meeting is convened under subclause (3)(b), the Society must meet any reasonable expenses of convening and holding the special general meeting.

(5) The Secretary must give to all members not less than 21 days notice of a special general meeting.

(6) The notice must specify –

- (a) when and where the meeting is to be held; and
- (b) the particulars of and the order in which business is to be transacted.

46. Annual general meeting

(1) The Secretary must give to all members not less than 14 days notice of an annual general meeting.

(2) The notice must specify –

- (a) when and where the meeting is to be held; and
- (b) the particulars of and the order in which business is to be transacted.

(3) The order of business for each annual general meeting is as follows:

- (a) first – the consideration of the accounts and reports of the Committee;
- (b) second – the election of new committee members;
- (c) third – any other business requiring consideration by the Society at the meeting, including the tender committee,
- (d) fourth – the appointment of an auditor and public officer.

47. Special resolutions

(1) A special resolution may be moved at any general meeting of the Society.

(2) The Secretary must give all members not less than 21 days notice of the meeting at which a special resolution is to be proposed.

(3) The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

48. Notice of meetings

(1) The Secretary must give a notice under this Part by –

- (a) serving it on a member personally; or
- (b) sending it by post to a member at either the address of the member appearing in the register of members or their email address, provided the Secretary maintains a log of the sent items (email – including recipients list).

(2) If a notice is sent by post under subclause (1)(b), sending of the notice is taken to have been properly effected if the notice is addressed and posted to the member by ordinary prepaid mail.

49. Quorum at general meetings

At a general meeting, a minimum of one fourth of all members must be present in person to constitute a quorum.

50. Lack of quorum

(1) If within 30 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present –

- (a) for an annual general meeting or special general meeting convened under clause 44(3)(a) – the meeting stands adjourned to the same time on the same day in the following week and to the same place;
- (b) for a meeting convened under clause 44(3)(b) – the members who are present in person or by proxy may proceed with hearing the appeal for which the meeting is convened; or
- (c) for a meeting convened under clause 44(3)(c) – the meeting lapses.

(2) If within 30 minutes after the time appointed by subclause (1)(a) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may proceed with the business of that general meeting as if a quorum were present.

(3) The President may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that general meeting from time to time and from place to place.

(4) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

(5) If a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

51. Voting

(1) Subject to clauses 14(2) and 18, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.

(2) At a general meeting –

(a) an ordinary resolution put to the vote is decided by a majority of votes made in person or by proxy; and

(b) a special resolution put to the vote is passed if three-quarters of the members who are present in person or by proxy vote in favour of the resolution.

(3) A poll may be demanded by the Chairperson or by 3 or more members present in person or by proxy.

(4) If demanded, a poll must be taken immediately and in the manner the Chairperson directs.

52. Proxies

A member may appoint in writing another member to be the proxy of the appointing member to attend and vote on behalf of the appointing member at any general meeting. No one member shall exercise more than three (3) proxy votes.

PART 7 – FINANCIAL MANAGEMENT

53. Financial year

The financial year of the Society is from 1 July to 30 June the following year.

54. Funds and accounts

(1) The Society must open an account with a financial institution from which all expenditure of the Society is made and into which all of the Society's revenue is deposited.

(2) Subject to any restrictions imposed by the Society at a general meeting, the Committee may approve expenditure on behalf of the Society within the limits of the budget.

(3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.

(4) All funds of the Society must be deposited into the financial account of the Society no later than 7 working days after receipt or as soon as practicable after that day.

(5) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

55. Accounts and audits

The responsibility of the Committee under clause 34(2) for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to –

- (a) the keeping of accounting records;
- (b) the preparation and presentation of the Society's annual statement of accounts; and
- (c) the auditing of the Society's accounts.

PART 8 – GRIEVANCE AND DISPUTES

56. Grievance and disputes procedures

(1) This clause applies to disputes between –

- (a) a member and another member; or
- (b) a member and the Committee.

(2) Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.

(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 after the meeting, hold another 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) for a dispute between a member and another member – a person appointed by the Committee; or
 - (ii) for a dispute between a member and the Committee – a person who is a mediator appointed or employed by the department administering the Act.
- (5) A member of the Society can be a mediator.
- (6) The mediator cannot be 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 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.

PART 9 – MISCELLANEOUS

57 Distribution of surplus assets on winding up

- (1) If on the winding up or dissolution of the Society, and after satisfaction of all its debts and liabilities, there remain any assets, the assets must not be distributed to the members or former members.
- (2) The surplus assets must be given or transferred to another association incorporated under the Act that –
 - (a) has similar objects or purposes;
 - (b) is not carried on for profit or gain to its individual members; and
 - (c) is determined by resolution of the members.