

**MANDURAH LEGENDS DARTS  
ASSOCIATION INC.**



**CONSTITUTION  
2020 (Amended December 2023)**

## **Amendments**

04/12/2022 Clause 9.0 Financial Year

20/02/2023 As instructed by Consumer Protection all reference to “Mandurah Legends Darts Association Incorporated” changed to “Mandurah Legends Darts Association Inc.” to match the officially registered name.

Dec 2023 refer to 2023 AGM Notice of Motion – various edits and updates.

**MANDURAH LEGENDS DARTS ASSOCIATION INC.**  
**CONSTITUTION**

**1. NAME**

The name of the Association is “Mandurah Legends Darts Association Inc.” herein after called the Association.

**2. HEADQUARTERS**

The headquarters of the Association shall be in such place in the state of Western Australia as the Executive Committee shall from time to time determine.

**3. OBJECTS**

The Association is formed for the following purposes:

- 3.1 To foster and encourage the Game of Darts for persons 45 years of age or older.
- 3.2 To maintain an efficient administration.
- 3.3 To control and manage the sport of Darts as played by members of the Association.
- 3.4 To establish a code of rules to govern the different games played on dart boards organized by the Association.
- 3.5 To arrange and carry out tournaments and championships in conjunction with such games.
- 3.6 To participate in Local, National and International competition.
- 3.7 To build and maintain a strong profile in the community as a popular and successful sport.
- 3.8 To be non-political at all times.
- 3.9 To ensure that all competitions conducted under the auspices of the Association are illicit drug free.
- 3.10 To do all such things as are incidental and or conducive to the attaining of the above objectives.
- 3.11 To ensure that assets and incomes however derived shall be applied towards the promotion of the objects of the Association and that no portion thereof shall be paid or transferred either directly or indirectly by way of dividend bonus or otherwise by way of profit to Association members.

**4. POWERS**

The Association shall have the following powers:

- 4.1 Subject to these rules, the Association shall exercise the following powers, functions and duties with respect to darts in the Association’s area of jurisdiction.
- 4.2 To establish and conduct the business of the Association.
- 4.3 To standardize within the Association playing area, rules and equipment in respect the Sport of Darts and associated statistical recording.
- 4.4 To ensure the rules of play for game of darts amended from time to time by the Dart Legends WA Inc. are adopted where appropriate by the Association.

- 4.5 To the extent of the Constitution and By-Laws, the Association; may impose fines or other penalties on a member or player for the time being under its control.
- 4.6 To arrange Championships for all members.
- 4.7 To affiliate with any other Sporting Bodies with similar objectives, if the Executive Committee deems it desirous.
- 4.8 To take such steps as may from time to time be deemed expedient to raise funds by subscriptions, affiliation fees, registration fees, levies or other receipts accepting donations of real or personal property to be applied for the purpose of the Association seeking and accepting sponsorship in money and/or kind by conducting or organising other fund raising ventures not inconsistent with the intention of this Constitution.
- 4.9 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 and club/association or organization does not prohibit the distribution of its income and property among its members to the extent at least as great as that imposed on the Association under or by virtue of the Constitution.
- 4.10 In furtherance the objects of the Association to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Association and persons frequenting the Association premises.
- 4.11 To take on lease or in exchange hire and otherwise acquire any lands, buildings, real and personal and any rights and privileges which may be requisite for the purposes of or capable of being conveniently used in connections with any objects of the Association provided that in that case the Association shall take or hold any property which may be subject to the trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts.
- 4.12 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 to the proviso in Section 4.11 thereof.
- 4.13 To enter into 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 any such Government or Authority any rights privileges and concessions which the Association may think it desirable to obtain and carry out, exercise and comply with any such arrangements, rights privileges and concessions.
- 4.14 To appoint, employ, remove, suspend or terminate appointment to employment. To take any gift or property whether subject to any special trust or not, for any one or more of the objects of the Association but subject to the proviso in Section 4.11 hereof.
- 4.15 To enter into 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 with the Association may think it desirable to obtain and carry out, exercise and comply with any such arrangements, rights, privileges of such managers, clerks, secretaries, servants, staff, workers and other persons as may be necessary or convenient for the purpose of the Association whether they be in a paid or voluntary capacity.
- 4.16 The Executive Committee has the power to remunerate any person or body for services rendered or to be rendered to the value of \$1,000.00. Should remuneration exceed this amount the General Committee must approve payment for such remuneration prior to the commencement of the service.

- 4.17 To invest and deal with the money of the Association not immediately required in such manner as may from time to time be directed by the Association or the general committee.
- 4.18 In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease, dispose of, or otherwise deal with all or any part of the property and rights of the Association.
- 4.19 To publish or join with any other person or persons or legal organization in publishing any newspaper, journal, periodical, book or other literary production relating to the Sport of Darts or calculated directly or indirectly to benefit the Sport of Darts.
- 4.20 Elect sub-committees as the occasion demands.
- 4.21 Decline the nomination or expel any person without assigning reason. The person shall have the right of appeal.
- 4.22 Protest and Disputes Committee for appeals shall be made up from the General Committee not involved with such appeal.
- 4.23 Hear all disputes, protests, expulsions, disqualifications and charges against players, officials and teams.
- 4.24 Hear and determine all applications relating to refused transfers.
- 4.25 Grant or refuse a transfer to any player on the appeal of such player.
- 4.26 To receive nominations for and electing of Selectors, State Captains, Managers and Manageress.
- 4.27 Hear and determine any questions relating to the right of qualification of any player to play with the Association.
- 4.28 Draw up fixtures and rules of play for games to be played under the control of the Association and allocate venues for such matches.
- 4.29 Fill a vacancy on the Executive Committee before the next election of office by ballot at the next Annual General Meeting or at the discretion of the Executive Committee. The member elected shall hold office for the same period as the ex-member replaced would have done.
- 4.30 Any position of the Executive Committee shall be declared vacant if any office holder fails to attend meetings and give reasonable service to the Executive Committee, unless leave of absence has been granted.
- 4.31 Manage the funds of the Association. Cheques may be signed by any two of the following officers, President, Vice, President, Treasurer or Secretary.
- 4.32 Pass accounts for payment. A financial report and covering bank statements are to be submitted by the Treasurer at Executive meetings and Annual General Meetings.
- 4.33 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.

## **5. COMMITTEES**

The Association will elect the following committees at the Annual General Meeting in accordance with Associations Incorporation Act 2015

### **5.1 Eligibility, Resignation or Removal**

- (i) Any member will be prohibited from sitting on the any Committee if they are an undischarged bankrupt or their affairs are being managed under insolvency laws; have been convicted of an offence in connection with the promotion, formation or

management of a body corporate; have been convicted of an offence involving fraud or dishonesty punishable on conviction by three months or more imprisonment; and/or have been convicted of an offence under Division 3 (the duties of officers provisions) or section 127 (the duty with respect to incurring of debt) of the Act.

- (ii) A person ceases to be a committee member if the person
  - (a) Dies or otherwise ceases to be a member, or
  - (b) Resigns from the committee or is removed from office under rule 36 or
  - (c) Becomes ineligible to accept an appointment or act as a committee member under Rule 5.1 (iv).
  - (d) Becomes permanently unable to act as a committee member because of a mental or physical disability or
  - (e) Fails to attend 3 consecutive committee meetings, of which the person has been given notice, without having notified the committee that the person will be unable to attend.
- (iii) Rule 5.1 (i) only applies to a person, who has been convicted of the relevant offences, for a period of 5 years from the time of the person's conviction, or if the conviction results in a term of imprisonment, from the time of the person's release from custody.
- (iv) Resignation or removal from committee.
  - (a) A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the chairperson.
  - (b) The resignation takes effect:
    - (a) when the notice is received by the secretary or chairperson; or
    - (b) if a later time is stated in the notice, at the later time.
  - (c) At a general meeting, the Association may by resolution:
    - (a) remove a committee member from office; and
    - (b) elect a member who is eligible under rule 5.1 (i) to fill the vacant position.
  - (d) A committee member who is the subject of a proposed resolution under subrule 5.1 (iv) (c) (a) may make written representations (of a reasonable length) to the secretary or chairperson and may ask that the representations be provided to the members.
  - (e) The secretary or chairperson may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.

## 5.2 Nomination of committee members:

- (i) At least 42 days before an annual general meeting, the secretary must send written notice to all the members —
  - (a) calling for nominations for election to the committee; and
  - (b) stating the date by which nominations must be received by the secretary.
- (ii) A member who wishes to be considered for election to the committee at the annual general meeting must nominate for election by sending written notice of the nomination to the secretary at least 28 days before the annual general meeting.
- (iii) The written notice must include a statement by another member in support of the nomination.
- (iv) A member may nominate for one specified position of office holder of the Association or to be an ordinary committee member.

- (v) A member whose nomination does not comply with this rule is not eligible for election to the committee unless the member is nominated under rule 5.3 (2)

### 5.3 Election of office holders

- (1) At the annual general meeting, a separate election must be held for each position of office holder of the Association.
- (2) If there is no nomination for a position, the chairperson of the meeting may call for nominations from the ordinary members at the meeting.
- (3) If only one member has nominated for a position, the chairperson of the meeting must declare the Member elected to the position.
- (4) If more than one member has nominated for a position, the ordinary members at the meeting must vote in accordance with procedures that have been determined by the committee to decide who is to be elected to the position.
- (5) Each ordinary member present at the meeting may vote for one member who has nominated for the position.
- (6) A member who has nominated for the position may vote for himself or herself.
- (7) On the member's election, the new chairperson of the Association may take over as the chairperson of the meeting.

### 5.4 Election of ordinary committee members

- (1) At the annual general meeting, the Association must decide by resolution the number of ordinary committee members (if any) to hold office for the next year.
- (2) If the number of members nominating for the position of ordinary committee member is not greater than the number to be elected, the chairperson of the meeting —
  - (a) must declare each of those members to be elected to the position; and
  - (b) may call for further nominations from the ordinary members at the meeting to fill any positions remaining unfilled after the elections.
- (3) If —
  - (a) the number of members nominating for the position of ordinary committee member is greater than the number to be elected; or
  - (b) the number of members nominating is greater than the number of positions remaining unfilled,  
  
the ordinary members at the meeting must vote in accordance with procedures that have been determined by the committee to decide the members who are to be elected to the position of ordinary committee member.
- (4) A member who has nominated for the position of ordinary committee member may vote in accordance with that nomination.

### 5.5 The Committee shall consist of the following Office Bearers

President (Chairperson) to be elected for 2 years (even years)

Secretary (Administrator) to be elected for 2 years (odd years)

Vice President (Vice Chairperson) to be elected for 2 years (odd years)

Treasurer (Finance Director) to be elected for 2 years (even years)

Assistant Secretary; Assistant Treasurer and any other member, if required, elected to the Committee for one (1) year.

- 5.6 A quorum of two thirds of the Committee members shall be required to form a meeting.
- (1) The presence of a committee member, at a committee meeting, need not be by attendance in person but may be by that committee member and each other participating committee member being simultaneously in contact by telephone or other means of instantaneous communication.
  - (2) A member who participates in a committee meeting as allowed under the subrule (1) is taken to be present at the meeting and, if the members votes at the meeting, the member is taken to have voted in person.
- 5.7 The Committee must meet at least three times in each year on the dates and at the times and places determined by the Committee.
- (1) the date, time and place of the first committee meeting must be determined by the committee members as soon as practicable after the AGM at which the committee members are elected.
  - (2) Special committee meeting may be convened by the chairperson or any two committee members.
- 5.8 Notice of each committee meeting must be given to each committee member at least 48 hours before the time of the meeting.
- 5.9 The notice must state the date, time and place of the meeting and must described the general nature of the business to be conducted at the meeting.
- 5.10 The only business that may be conducted at the meeting is the business described in the notice. Urgent business that has not been described in the notice may be conducted at the meeting if the committee members at the meeting unanimously agree to treat that business as urgent.
- 5.11 The chairperson or, in the chairperson's absence the deputy chairperson must preside as chairperson of the meeting.
- If the chairperson and deputy chairperson are absent or unwilling to act as chairperson at the meeting, the committee members must choose one of them to act as chairperson of the meeting.
- The procedure to be followed at a committee meeting must be determined from time to time by the committee.
- 5.12 A member or other person who is not a committee member may attend a committee meeting if invited to do so by the committee.
- 5.13 A person invited to attend a committee meeting
- (a) has no right to any agenda, minutes or other document circulated at the meeting and
  - (b) must not comment about any matter discussed at the meeting unless invited by the committee to do so and
  - (c) cannot vote on any matter that is to be decided at the meeting.

## **6. DUTIES OF THE COMMITTEE**

The duties of the Executive Committee of the Association shall be as follows:



- 6.1 President- the President shall preside at all meetings of the Association and all delegates Committee Meetings and all other meetings which require his/her presences, and he/she shall see that the business is conducted in a proper manner. He/she may at their discretion and shall at the request of majority of the Executive Committee call a special meeting of the Executive Committee and generally ensure the well-being and object of the Association. In case at any time of equality of votes he/she shall have the casting vote only. He/she at all times see that the Association Constitution Rules are abided by.
- 6.2 Vice-President- The Vice President shall assist the President in every manner possible and in the absence of any President from any meeting the Vice-President shall preside and conduct the business and in case of equality in voting he/she shall have a casting vote only.
- 6.3 Honorary Secretary – The Honorary Secretary shall attend all meetings and take minutes of same. Receive all correspondence and answer such questions as may be asked in accordance with these rules. He/she shall keep a complete up to date register of all Members admitted to the Association including the names and either postal or residential addresses or email and telephone contact of its members. Upon request, the register is to be made available for inspection of members who may make a copy or take an extract of the register. The Association may require the member to provide a statutory declaration setting out the purpose for which the copy of the register or members is required. The Association may charge the member a reasonable amount to provide a copy. The Secretary shall keep in his/her custody all records, books and documents pertaining to the running of the Association, other than those of a financial nature. He/she shall perform all such other duties and services as the Committee may from time to time request.
- 6.4 Honorary Treasurer- The Honorary Treasurer shall keep a correct account of all monies received and expended and pay all monies belonging to the Association into such Bank as shall be approved by the Executive Committee within eight (8) days of receiving same. He/she shall balance the books prior to the Annual General Meeting or at any time he/she may be called upon by the Association to do so. He/she shall prepare and submit a cash statement for presentation to the meeting of the Delegate Committee when called upon to do so, and furnish interim or periodical financial and bank statements at each Delegates Meeting. He/she in conjunction with the President, Secretary or Vice President sign all cheques and make receipts for all payments received by him/her. To issue an account to each club at each General Meeting.
- 6.5 Assistant Treasurer – He/she will assist the Honorary Treasurer as requested and take of the Honorary Treasurer’s duties if he/she is absent.
- 6.6 Assistant Secretary – He/she will assist the Honorary Secretary as requested and take over the Honorary Secretary’s duties if he/she is absent.

## **7. PAYMENTS TO COMMITTEE MEMBERS**

- 7.1 Committee member includes a member of a subcommittee.
- 7.2 A committee member is entitled to be paid out of the funds of the Association for any out of pocket expenses for travel and accommodation properly incurred-
  - (a) in attending a committee meeting or
  - (b) in attending a general meeting or
  - (c) otherwise in connection with the Association’s business.

## **8. MEMBERSHIP**

The Association shall provide to the Secretary a list of their members including names and either postal or residential address or email and telephone contact and the member’s current affiliation darts average by no later than 1<sup>st</sup> March each calendar year. Such membership list will be

provided to Dart Legends WA Inc. and Australian Legends Inc. in accordance with the Association's affiliation requirements to Dart Legends WA Inc. and Australian Legends Inc.

The Association shall consist of the following class of members:

Ordinary Members

Life Members

Social Members

8.1 Ordinary Members- are those persons who attain the age of forty five (45) years from 1<sup>st</sup> January to 31<sup>st</sup> December each calendar year, or are older, and are registered financial members of the Association and of Dart Legends WA Inc. and Australian Legends Inc.

Ordinary Members shall have the right to:-

- (i) Compete in all events organised by the Association.
- (ii) Are eligible to vote and hold office within the Association but subject to the provision in Section 5.1 hereof

8.2 Life Members

- (i) Life Members may be appointed by the Executive Committee submitting a recommendation to the Annual General Meeting for the appointment of any person as a Life Member.
- (ii) Membership may be conferred upon any person nominated by the Executive Committee who in the opinion of the Annual General Meeting has rendered outstanding service to the Association and to the game of Darts in Western Australia. A pen picture of the nominee must accompany the nomination.
- (iii) To be eligible for the Life Membership a person must have been a member of the Association continuously for a minimum of ten (10) years.
- (iv) Office bearers shall be notified of all nominees for Life Membership not less than sixty (60) days prior to the Annual General Meeting.
- (v) All Life Membership badges to be presented at the first Championship event at which the member is present.

8.3 Social Members

Social Members shall have the right to:

- (i) Vote and hold office within their designated club but subject to the provisions in Section 5.1 hereof
- (ii) Social members must be financial Members of the Association.
- (iii) Social members can compete at their designated club only and will not be eligible to play at any National or State championships.

## **9. FINANCIAL YEAR**

The financial year of the Association shall commence on 1<sup>st</sup> December in one year and conclude on the 30<sup>th</sup> November in the following year.

## **10. ANNUAL GENERAL MEETING**

The Annual General Meeting shall be held within six months of the end of the financial year.

- 10.1 A registration fee to the Association is to be determined at the Annual General Meeting and is to include any fee nominated by Australian Legends Inc and Dart Legends WA Inc at their Annual General Meeting.
- 10.2 At the Annual General Meeting the order of business shall be as follows:
  - Minutes
  - Correspondence
  - Financial Report
  - President's Report
  - Secretary's Report
  - Election of Office Bearers
  - Determination of honorariums
  - Notices of Motion
  - General Business

## **11. SPECIAL GENERAL MEETINGS**

- 11.1 The Committee may convene a special general meeting.
- 11.2 Twenty eight (28) days' notice in writing or by electronic means shall be given to each member of every Annual General Meeting and Special General Meeting.
- 11.3 The Committee must convene a special general meeting if at least carried by a twenty percent (20%) majority of the members require a special general meeting to be convened.  
The members requiring a special general meeting to be convened must:
  - (a) Make the requirement by written notice given to the secretary, and
  - (b) State in the notice the business to be considered at the meeting; and
  - (c) Each sign the notice.
- 11.4 If the committee does not convene a special general meeting within the 28 days period, the members making the requirement (or any of them) may convene the special general meeting.
  - (a) A special general meeting convened by the members under clause 11.04:
  - (b) Must be held within 3 months of the date of the original requirement was made; and
  - (c) May only consider the business stated in the notice by which the requirement was made.
- 11.5 The Association must reimburse any reasonable expenses incurred by the members convening a special general meeting under clause 11.4

## **12. PROCEDURES AT MEETINGS**

So as to maintain good order at all meeting the following rules shall be observed: -

- 12.1 A financial member(s) giving notice of a motion shall give a copy in writing or by electronic means to the Association Secretary at least twenty eight (28) days before the meeting at which it is intended such motion shall be moved. The Association Secretary must notify their members within five (5) days of receipt of such notice.
- 12.2 No motion shall be proceeded with unless the mover has given such motion be present when the business is called to order. Notices not so proceeded with shall be struck out. Any motion not seconded shall not be further debated, but shall lapse.

- 12.3 If after two (2) speakers have spoken successively on the same side of the question, no speaker follows on the other side, the Chairman shall submit the motion or amendments to the meeting after affording the mover right of reply. As soon as a debate on a question is concluded the Chairperson shall put the question.
- 12.4 The question being put, the result shall be determined by voice or show of hands. At the request of two (2) members, then shall be decided by a division.
- 12.5 A motion, having been proposed, may be amended by the addition or omission of words. Such amendments shall be determined by the majority vote.
- 12.6 When the amendment is carried it shall take the place of the original motion. Any further amendments may be proposed until the question is finally decided.
- 12.7 It shall take seventy five percent (75%) of the members present at the General Meeting to suspend standing orders.
- 12.8 If any case should arise not provided for in these standing orders the same shall be decided in accordance with the standing orders in practice in the Legislature of the State.
- 12.9 A quorum for a General Meeting shall require no less than fifty percent (50%) majority of the current member registration at the time of the meeting.
- 12.10 Rules for running a General Meeting
  - (1) The chairperson or, in the chairperson's absence, the deputy chairperson must preside as chairperson of each general meeting.
  - (2) If the chairperson and the deputy chairperson are absent or are unwilling to act as chairperson of a general meeting, the committee members at the meeting must choose of them to act as chairperson of the meeting.
  - (3) No business is to be conducted at a general meeting unless a quorum is present.
  - (4) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting –
    - (a) In the case of a special general meeting – the meeting lapses; or
    - (b) In the case of the annual general meeting – the meeting is adjourned to –
      - (i) The same time and day in the following week; and
      - (ii) The same place unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.
  - (5) If –
    - (a) A quorum is not present within 30 minutes after the commencement of an annual general meeting held under subrule 12.10 (4) (b); and
    - (b) At least 2 ordinary members are present at the meeting,

Those members present are taken to constitute a quorum.

### **13. ORDER OF DEBATING**

- 13.1 Any persons wishing to move a motion or amendment or discuss any matter under consideration must rise and address the meeting through the Chairperson.
- 13.2 No member shall speak on a question after it has been put by the Chairperson and has been voted on. When two (2) members wish to speak the Chairperson shall decide which member arose first. In the discussion no member shall be permitted to speak more than once except in explanation. The mover of the original motion shall have the right of reply whereupon the question shall be put.
- 13.3 Any member speaking must confine their remarks to the subject under discussion. The member shall at all times avoid using discourteous language, personalities or reflections on any member during the debate.

### **14. ALTERATIONS**

If the Association wants to alter or rescind any of these rules, or to make additional rules, the Association may do so only by special resolution and by otherwise complying with Part 3 Division 2 of the Act.

No alterations, revisions, or additions shall be made to these rules unless twenty eight (28) days' notice of motion is given in writing and such alterations, revisions or additions be carried by a three fourth (3/4) majority at a General Meeting. The Secretary shall forward copies of such notice of motion to all Association members for their perusal within five (5) days of receipt of such motions.

### **15. COMMON SEAL**

The Association does not use a Common seal and all executed documents will be signed by:

- (a) Two committee members; or
- (b) One committee member plus a person authorised by the committee.

### **16. SUBSCRIPTIONS & HONORARIUMS**

Registration fees and honorariums will be recommended by the Executive Committee each year to the members at the Annual General Meeting for a resolution by the Association.

### **17. DISSOLUTION**

The Association may be dissolved or wound up by passing a special resolution at any General Meeting or Special General Meeting called for such purpose. The consent of at least seventy five per centum (75%) of members voting at a General Meeting will be required to dissolve the Association.

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

If upon winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among members but shall be given or transferred to:

- (a) To another Association incorporated under the Act
- (b) A company limited by guarantee registered under the Corporations Act 2001
- (c) An organisation that holds a current licence under the Charitable Collections Act 1946

- (d) An organisation that is a member or former member of the Association and whose rules prevent the distribution of property to its members: or
- (e) A non-distributing co-operative registered under the Co-Operatives Act 2009.

Which incorporated Associations or purposes, as the case requires shall be determined by the resolution of the members when authorising and directing the Committee to prepare a distribution plan of the surplus property of the Association.

In the event of the winding up or dissolution of the Association, the Department of Mines, Industry, Regulation and Safety shall be advised of the dissolution within 28 days of the dissolution.

## **18. INSPECTION OF THE ASSOCIATION RECORDS**

A member may at any reasonable time inspect the books, documents, records and securities.

- 18.1 The member must contact the secretary to make the necessary arrangements for the inspection.
- 18.2 If the member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.
- 18.3 The member may make a copy of or take an extract from a record or document referred to in 18.2 but does not have a right to remove the record or document for that purpose.
- 18.4 The member must not use or disclose information in a record or document referred to in 18.2 except for a purpose:
  - (a) that is directly connected with the affairs of the Association; or
  - (b) that is related to complying with a requirement of the Act.

## **19. NON-PROFIT**

The income and property of the Association shall be applied solely towards the promotion of the objects of the Association. No portion of the income or property shall be paid, transferred to, distributed directly or indirectly to the member of the Association, provided that nothing shall prevent the payment in good faith of remuneration to any officer or employee of the Association or to any persons other than a member, in return for services rendered to the Association.

## **20. LIABILITY**

All members taking part in the activities of the Association shall do so at their own risk and shall indemnify the Executive and all other members of the Association against any claims whatsoever that they may lodge, or may be lodged on their behalf.

Any point not covered under this Constitution shall be referred to the Executive Committee whose decision shall be final, subject only, to the right of appeal.

## **21. SUSPENSIONS OR EXPULSION**

- (1) The committee may decide to suspend a member's registration or to expel a member from the Association if:
  - (a) the member contravenes any of these rules; or
  - (b) the member acts detrimentally to the interests of the Association
- (2) The secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.

- (3) The notice given to the member must state:
  - (a) when and where the committee meeting is to be held; and
  - (b) the grounds on which the proposed suspension or expulsion is based; and
  - (c) that the member, or the member's representative may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion.
- (4) At the committee meeting, the committee must-
  - (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
  - (b) give due consideration to any submissions so made; and
  - (c) decide –
    - (i) Whether or not to suspend the member's membership, and if the decision is to suspend the membership, the period of suspension, or
    - (ii) Whether or not to expel the member from the Association.
- (5) A decision of the committee to suspend the member's membership or to expel the member from the Association shall take immediate effect.
- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving the notice of the Committee's decision under sub rule 6 given written notice to the secretary requesting the appointment of a mediator under rule 24.
- (8) If notice is given under sub rule 7 the member who gives the notice and the committee are the parties to the mediation.

## **22. CONSEQUENCES OF SUSPENSION**

During the period of a member's membership is suspended, the member-

- (a) Loses any rights (including voting rights) arising as a result of membership, and
- (b) Is not entitled to a refund, rebate, relief or credit from the membership fees paid, or payable to the Association.

22.1 When a member's membership is suspended, the secretary must record in the register of members-

- (a) that the member's membership is suspended; and
- (b) the date on which the suspension takes effect; and
- (c) the period of the suspension.

22.2 When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.

## **23. RESOLVING DISPUTES**

**Grievance procedure** means the procedures set out in this clause

**Party to a dispute** includes a person-

- (a) Who is a party to the dispute; and

- (b) Who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute

23.1 The grievance procedure applies to

- (a) Between members; or
- (b) Between one or more members and the Association

23.2 The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

23.3 If the parties to a dispute are unable to resolve the dispute between themselves within the time required by 23.2, any party to the dispute may start the grievance procedure by giving written notice to the secretary of-

- (a) the parties to the dispute; and
  - (b) the matters that are the subject of the dispute.
- (i) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
  - (ii) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
  - (iii) The notice given to each party to the dispute must state-
    - (a) When and where the committee meeting is to be held; and
    - (b) That the part, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
  - (iv) If
    - (a) the dispute is between one or more members and the Association; and
    - (b) Any party to the dispute gives written notice to the secretary stating that the party
    - (c) Does not agree to the dispute being determined by the committee, and
    - (d) Requests the appointment of a mediator under rule 23

The committee must not determine the dispute.

23.4 Determination of dispute by committee:

- (1) At the committee meeting at which a dispute is to be considered and determined, the committee must-
  - (a) give each party to the dispute or the party's representative, a reasonable opportunity to make written or oral (or both written and oral submissions to the committee about the dispute; and
  - (b) give due consideration to any submissions so made; and
  - (c) determine the dispute.
- (2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- (3) A party to the dispute may, within 14 days after receiving the notice of the committee's determination under sub rule (1c) give written notice to the secretary requesting the appointment of a mediator under rule 25.
- (4) If notice is given under sub rule 3, each party to the dispute is a party to the mediation.



## **24. APPLICATION OF DIVISION**

This rule applies if written notice has been given to the secretary requesting the appointment of a mediation

- (a) By a member under rule 21.7 or
- (b) By a party to a dispute under rule 23.3 (iv) (c)

If this Division applies, a mediator must be chosen or appointed under sub rule 25

## **25. APPOINTMENT OF MEDIATOR**

The mediator must be a person chosen-

- (a) If the appointment of a mediator was requested by a member under rule 21.7 - by agreement between the Member and the committee; or
- (b) If the appointment of a mediator was requested by a party to a dispute under rule 23.3 (iv)
- (c) - by agreement between the parties to the dispute.

If there is no agreement for the purposes of sub rule (a) or (b) then the committee must appoint the mediator.

The person appointed as mediator by the committee must be a person who acts as a mediator for another not for profit body, such as a community legal centre, if the appointment of a mediator was requested by –

- (a) A member under rule 21.7 or
- (b) A party to a dispute under rule 23.3 (iv) (c)
- (c) A party to a dispute under rule 23.4 (3) and the dispute is between one or more members and the Association.

## **26. MEDIATION PROCESS**

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must-
  - (a) Ensure that natural justice is given to the parties to the mediation throughout the mediation process.
  - (b) Give each party to the mediation every opportunity to be heard; and
  - (c) Allow each party to the mediation to give due consideration to any written statement given by another party; and
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

26.1 If mediation takes place because a member whose membership is suspended or who is expelled from the Association gives notice under rule 21.7 and

As a result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

That revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.