

**This is the annexure marked "A" referred to in the statutory declaration of:**

Name of public officer

ROBYN HEDLEY-HENDERSON

Made on (date)

18 NOVEMBER 2021

Before me



(signature of witness on statutory declaration)

## **Constitution of Figure Skating Association**

### **Northern Territory Incorporated**

#### **Part 1 – Preliminary**

##### **1. Name**

The name of the incorporated association is Figure Skating Association Northern Territory Incorporated, here in referred to as FSANT or the Association.

##### **2. Objects and purposes**

The Association is the peak body for the administration of Figure Skating activities in the Northern Territory and is established for the following objects and purposes:

- (a) guiding, furthering and promoting Figure Skating;
- (b) affiliating and otherwise liaising with ISA or its successor;
- (c) ensuring compliance with the rules and by-laws as amended from time to time of ISA and ISU;
- (d) providing opportunities for figure skating to be practiced in accordance with the needs of its participants, without discrimination of any kind and with a spirit of friendship and fair play, and having regard to the public interest in its operations;
- (e) providing opportunities for figure skaters to participate in competitions and in particular maintain affiliation with ISA to enable participation in ISA run competitions;
- (f) fostering an environment that encourages all figure skating members to contribute to the runnings of the Association or any member clubs;
- (g) acting, at all times, on behalf of and in the interest of members;
- (h) recognising other associations and business interests affiliated with the ice rink facilities and encouraging collaborative and amicable working relationships to benefit figure skating members and other rink users;
- (i) providing social activities, fundraising opportunities and experiences for all members;
- (j) gaining access to funding and sponsorship opportunities;

- (k) collecting, distributing and publishing information in connection with figure skating;
- (l) formulating or adopting and implementing appropriate policies, including in relation to Member protection, equal opportunity, health, safety, and such other matters as arise from time to time as issues to be addressed in figure skating; and
- (m) The property and income of the Association shall be applied solely towards the promotion of the objects (a-j) of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

### **3. Minimum number of members**

The Association must have at least 5 members.

### **4. Definitions**

In this Constitution, unless the contrary intention appears:

"Act" means the *Associations Act 2003* and regulations made under that Act;

"Committee" means the Management Committee of the Association;

"Family member" see clause 9 (1) (c);

"Figure Skating" means the disciplines of Singles Skating, Pair Skating, Ice Dance and Synchronized Skating as per the ISU definition Rule 300;

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

"Full member" see clause 9 (1) (a);

"general meeting" means a general meeting of members convened in accordance with clause 46;

"ISA" means Ice Skating Australia Incorporated;

"ISU" means International Skating Union;

"Junior member" see clause 9 (1) (b);

"Life Membership" see clause 9 (1) (d);

"member" means a member of the Association;

"Out of Session Resolution" means a resolution which has been circulated by the Secretary to the Committee members by electronic transmission and passed by not less than 4 Committee members in a return email to the Secretary;

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

"special resolution" means a resolution notice of which is given under clause 50 and passed in accordance with section 37 of the Act;

"Volunteer Member" see clause 9 (1) (e).

## **Part 2 – Constitution and Powers of Association**

### **5. Powers of Association**

- (1) For achieving its objects and purposes, the Association has the powers conferred by sections 11 and 13 of the Act.
- (2) Subject to the Act, the Association 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 Association to the same extent as if every member and the Association 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 Association 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. Membership types**

- (1) Membership of the Association is available in the following member forms;
  - (a) Full members – being persons aged 16 years and above who are eligible members. Any full member under the age of 18 is not eligible to vote;
  - (b) Junior members – being persons aged less than 16 years who are eligible members. Junior members must have relevant parent/s and guardian/s as members by proxy.

- (c) Family members – being persons of an individual member’s immediate family only. The membership will entitle the members of that family to be collectively afforded the same rights accorded to one member;
  - (d) Life Membership – being persons granted Life Membership status by a decision of the Committee for valuable service to the Association. Acceptance of a Life Membership is deemed to also be an acceptance of the Constitution and submission to the By-Laws, Policies and/or Procedures of the Association;
  - (e) Volunteer Member – being a person who has for a specific reason volunteered their services for a period of time. The period of time is at the discretion of the Committee.
- (2) Membership, once granted, will continue until resignation, expulsion or expiry of annual membership period.
- (3) Only full members (over the age of 18), parents and/or guardians of junior members and underage full members and life members are eligible to vote in General Meetings.

## **10. Application for membership**

To apply to become a member of the Association 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. Application for membership renewal**

To renew a membership of the Association a person must:

- (a) Submit a written application for renewal of membership to the Committee:
  - (i) In the form approved by the Committee; and
  - (ii) Pay the required annual membership fee referred to in clause 14

## **12. Approval of Committee**

- (1) Any application for membership or membership renewal under clause 10 and clause 11 shall be considered by way of an out of session motion by the Committee.
- (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.

### **13. 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 either:
  - (a) a pro rata annual fee based on the remaining part of the financial year; or
  - (b) the amount determined from time to time by resolution at a general meeting.

### **14. Annual membership fees**

- (1) The annual membership fee is the amount determined from time to time by resolution at a general meeting.
- (2) Each member must pay the annual membership fee to the Treasurer by the first day of each financial year or another date determined by the Committee from time to time.
- (3) A member whose subscription is not paid within 3 months after the due date ceases to be a member unless the Committee determines otherwise.

### ***Division 2 – Rights of members***

### **15. 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 Association:
  - (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.

### **16. Voting**

- (1) Subject to subclause (2) and clause 20, each member has one vote at general meetings of the Association.
- (2) A member is not eligible to vote until 10 working days after his or her application has been accepted.

### **17. 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.

### **18. Access to information on Association**

The following must be available for inspection by members:

- (a) a copy of this Constitution;
- (b) minutes of general meetings;
- (c) annual reports and annual financial reports.

- (d) the Register of Members.

## **19. Raising grievances and complaints**

- (1) A member may raise a grievance or complaint about a committee member, the Committee or another member of the Association.
- (2) The grievance or complaint must be dealt with by the procedures set out in Part 8.

## **20. Associate members**

An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

### ***Division 3 – Termination, death, suspension and expulsion***

## **21. Termination of membership**

Membership of the Association may be terminated by:

- (a) a notice of resignation addressed and posted to the Association or given personally to the Secretary or another committee member;
- (b) non-payment of the annual membership fee within the time allowed under clause 14(3); or
- (c) expulsion in accordance with this Division.

## **22. 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.

## **23. 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 Association, 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 Association 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.

#### **24. 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 Association 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*

#### **25. Role and powers**

- (1) The business of the Association must be managed by or under the direction of a Management Committee.
- (2) The Committee may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a general meeting of members.
- (3) The Committee may appoint and remove staff.
- (4) The Committee may establish one or more subcommittees consisting of the members of the Association the Committee considers appropriate.

#### **26. Composition of Committee**

- (1) The Management Committee consists of:
- (a) a Chairperson;
  - (b) a Vice-Chairperson;
  - (c) a Secretary;
  - (d) a Treasurer;
  - (e) a Junior Representative; and
  - (f) up to 3 other members of the Association elected at the AGM each year..
- (2) Unless elected directly as a separate office holder, the Committee must appoint one committee member to be the Association's public officer.

## **27. 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***

## **28. Eligibility of committee members**

- (1.) A committee member must be a member who is 18 years or over, with the exception of the Junior Representative who must be between 16 and 18 years of age.
- (1) Committee members must be elected to the Committee at an annual general meeting or appointed under clause 35.

## **29. Nominations for election to committee**

- (1) A member is not eligible for election to the Committee unless 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; and
  - (b) the nominee to signify his or her willingness to stand for election.
- (3) A person who is eligible for election or re-election under this clause may:
  - (a) propose or second himself or herself for election or re-election; and
  - (b) vote for himself or herself.

## **30. Retirement of committee members**

- (1) A committee member holds office until the next annual general meeting unless the member vacates the office under clause 33 or is removed under clause 34.
- (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 Chairperson of the outgoing Committee must preside at the annual general meeting until a new member is elected as Chairperson.
- (4) Members may serve consecutive terms on the Committee..



### **31. Election by default**

- (1) If the number of persons nominated for election to the Committee under clause 29 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 35.

### **32. 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 in a manner determined from time to time by resolution at a general meeting.
- (3) The members chosen by ballot must be declared by the Chairperson to be duly elected as members of the Committee.

### **33. 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 member of the Association;
- (b) the member is absent from more than:
  - (i) 3 consecutive committee meetings; or
  - (ii) 3 committee meetings in the same financial year without tendering an apology to the Chairperson;

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

#### **34. Removal of committee member**

- (1) The Association, 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.

#### **35. Filling casual vacancy on Committee**

- (1) If a vacancy remains on the Committee after the application of clause 31 or if the office of a committee member becomes vacant under clause 33, the Committee may appoint any member of the Association 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*

#### **36. 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 Association complies with the Act and regulations made under the Act.

#### **37. Chairperson and Vice-Chairperson**

- (1) Subject to subclauses (2) and (3), the Chairperson must preside at all general meetings and committee meetings.
- (2) If the Chairperson is absent from a meeting, the Vice-Chairperson must preside at the meeting.
- (3) If the Chairperson and the Vice-Chairperson 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.

#### **38. Secretary**

The Secretary must:

- (a) coordinate the correspondence of the Association;
- (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;
- (d) unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Association, other than those required by clause 39(5) to be in the custody of the Treasurer; and
- (e) perform any other duties imposed by this Constitution on the Secretary.

### **39. Treasurer**

- (1) The Treasurer must:
  - (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association;
  - (b) pay all moneys received into the account of the Association within 5 working days after receipt;
  - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
  - (d) ensure cheques are signed 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 Association are kept in accordance with section 41 of the Act.
- (3) The Treasurer must coordinate the preparation of the Association's annual statement of accounts.
- (4) If directed to do so by the Chairperson, 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 Association unless the members resolve otherwise at a general meeting.
- (6) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

### **40. 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 Association.

## **Part 5 – Meetings of Management Committee**

### **41. 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 Chairperson, 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 24.

### **42. Voting, decision making and using technology to conduct a meeting**

- (1) Each committee member present at the meeting has a deliberative vote with the exception of the Junior Representative.
- (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.
- (4) The Management Committee may hold their meetings by using any technology (such as video or teleconferencing) that is agreed to by all of the management committee members.
- (5) The Management Committee members' agreement may be a standing (ongoing) one.
- (6) A Management Committee members may only withdraw their consent within a reasonable period before the meeting.

#### **43. Quorum**

For a committee meeting, 50% plus (1) constitutes a quorum including at least 2 office holders.

#### **44. 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.

#### **45. Disclosure of interest**

- (1) A committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Association 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) The Chairperson must ensure a 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**

#### **46. Convening general meetings**

- (1) The Association must hold its first annual general meeting within 18 months after its incorporation.
- (2) The Association must hold all subsequent annual general meetings within 5 months after the end of the Association's financial year.
- (3) 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 24 (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 47(1), convene a special general meeting for the purpose specified in that request.

#### **47. 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 46(3)(b) – the appeal against the decision of the Committee is upheld; and
  - (b) for clause 46(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 Association 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.

#### **48. Use of technology at general meetings and special general meetings**

- (1) The association may hold a general meeting or special general meeting at 2 or more venues using any technology that gives the members as a whole a reasonable opportunity to participate, including to hear and be heard.
- (2) Anyone using this technology is taken to be present in person at the meeting.

#### **49. Annual general meeting**

- (1) The Secretary must give to all members not less than 30 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 Association at the meeting.

## **50. Special resolutions**

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

## **51. Notice of meetings**

- (1) The Secretary must give a notice under this Part by –
  - (a) serving it on a member personally;
  - (b) sending it by email to a member at the email address of the member recorded by the Association; or
  - (c) sending it by post to a member at the address of the member appearing in the register of members.
- (2) If a notice is sent by email under subclause (1) (b) or by post under subclause (1)(c), sending of the notice is taken to have been properly effected if the notice is addressed and posted or emailed to the member by ordinary prepaid mail or email.

## **52. Quorum at general meetings**

At a general meeting 5 members including at least 2 committee and 3 general members present in person including in accordance with clause 48 constitutes a quorum.

## **53. 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 46(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 46(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 46(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 Chairperson 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.

#### **54. Voting**

- (1) Subject to clauses 16(2) and 20, 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.

#### **55. 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.

## **Part 7 – Financial Management**

#### **56. Financial year**

The financial year of the Association is the period of 12 months ending on 31 December

#### **57. Funds and accounts**

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) Subject to any restrictions imposed by the Association at a general meeting, the Committee may approve expenditure on behalf of the Association 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 Association must be deposited into the financial account of the Association no later than 5 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.

## **58. Accounts and audits**

The responsibility of the Committee under clause 36(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 Association's annual statement of accounts; and
- (c) the auditing of the Association's accounts.

## **Part 8 – Grievance and disputes**

### **59. 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 Association 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**

### **60. Common seal**

- (1) The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded by the Secretary.
- (2) The affixing of the common seal of the Association must be witnessed by any 2 of the following:
  - (a) the Chairperson;
  - (b) the Secretary;
  - (c) the Treasurer.
- (3) The common seal of the Association must be kept in the custody of the Secretary or another person the Committee from time to time decides.

### **61. Distribution of surplus assets on winding up**

- (1) If on the winding up or dissolution of the Association, and after satisfaction of all its debts and liabilities, there remains 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.