

**BOX HILL REPORTER
DISTRICT CRICKET
ASSOCIATION INC**

**Statement of Purpose
& Corporate Rules**



**Registered No: A 0032112 P
Australian Business No: 87 914 990 602**

**Contains all amendments up to and including those approved at the
2023 Annual General Meeting, held on 31/5/2023**

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I. STATEMENT OF PURPOSES

- 1) To promote, control and manage free from any objectionable feature, and in the best interests of the game of cricket all matches played and arranged between clubs comprising the Association.
- 2) To help and advance all forms of cricket.
- 3) To promote the better fellowship and acquaintance of the members of the various clubs.
- 4) To arrange and manage representative games between this Association and other Associations.

II. CORPORATE RULES

1. NAME

The name of the incorporated body is 'BOX HILL REPORTER DISTRICT CRICKET ASSOCIATION INCORPORATED' (in these rules called "the Association").

2. INTERPRETATION

- 1) In these rules, unless the contrary intention appears:

Committee - means the Committee of Management of the Association.

Secretary – means the member elected as Association Secretary and/or the member appointed to act as the Association's Administration Manager

Delegates Meeting - means a meeting of members and others constituted in accordance with Rule 15.

Financial Year - means the year ending April 30th.

Annual General Meeting - means a meeting of members of the Association convened in accordance with Rule 11.

Special General Meeting - means a general meeting of members of the Association convened in accordance with Rule 12.

By-Laws - means the By-Laws of the Association

Member - means a member of the Association in accordance with Rule 5.

Ordinary Member of the Committee - means a member of the Committee who is not an officer of the Association under Rule 23.

The Act - means the Association Incorporation Act 1981.

The Regulations - means the Regulations under the Act

- 2) In these rules, a reference to the Secretary of the Association is a reference:
 - a) where a person holds office under these rules as the Secretary of the Association - to that person; and
 - b) in any other case, to the Public Officer of the Association.
- 3) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

3. AFFILIATED CLUBS

The Association may grant affiliation in the manner prescribed in the By-Laws to Cricket Clubs wishing to play in the Associations competitions.

4. AFFILIATED ASSOCIATIONS

The Association may grant membership in the manner prescribed hereunder to one representative of other Associations connected with the Associations competition games.

5. MEMBERSHIP - QUALIFICATIONS, APPLICATIONS AND RIGHTS

- 1) Membership of the Association shall consist of:
 - a) Officers of the Association elected in the manner prescribed in Rule 25.
 - b) Two (2) delegates from each of the affiliated clubs nominated in the manner prescribed in the By-Laws.
- 2) The Association shall have the power to elect Honorary Life Member's in any one calendar year, such membership to be awarded to a person(s) in recognition of special or meritorious service to the Association or to the game of cricket for a period in excess of 10 years.

Life Members shall only be elected by an absolute majority of those members present and are entitled to vote at an Annual General Meeting.

All rights and privileges of membership shall be available to Life Members.

- 3) A Patron may from time to time be appointed to the Association and shall enjoy the rights and privileges of membership.
- 4) The Association may elect Honorary Members as it sees fit.
- 5) With the exception of Life Membership and the Patron, membership shall be on a yearly basis.

6 APPLICATIONS AS AFFILIATED CLUBS AND AFFILIATED ASSOCIATIONS

An application for membership of a club or Association

- a) Shall be in writing on the prescribed form as set out in the By-Laws.
- b) Shall be lodged with the Secretary of the Association or the designated deputy.
- c) As soon as practicable after the receipt of an application the Secretary shall refer the application to the Committee.
- d) Upon a nomination being referred to the Committee, the Committee shall decide whether to recommend to the Delegates Meeting approval or rejection of the application in accordance with the By-Laws.
- e) Upon an application being approved by the Delegates Meeting, the Secretary shall upon receipt of the annual affiliation and registration fee enter the applicants name in the Register of Members.

7. RIGHTS AND CESSATION OF MEMBERSHIP

- 1) A right, privilege or obligation of a Member, an Affiliated Club or Affiliated Association
 - a) except in the case of delegate members, is not capable of being transferred or transmitted.
 - b) terminates upon the cessation of affiliation or membership whether by resignation or otherwise.
 - c) shall cease upon non renewal of annual fee.
 - d) shall cease upon expulsion under the provision of Rule 10 hereunder.

8. ENTRANCE FEE AND SUBSCRIPTION

- 1) There shall be no entrance fee.
- 2) The annual affiliation fees shall be
 - a) determined by the Annual General Meeting from time to time in accordance with the By-Laws.
 - b) due and payable by the date stipulated in the By-Laws.

9. REGISTER OF NAMES

The Secretary shall keep and maintain a register of affiliated clubs, life, honorary, patron and delegate members in which shall be entered the full name, address and date of entry of each member, such register to be available for inspection by members at the address of the Secretary and/or the Public Officer.

10. EXPULSION, SUSPENSION, OR FINING OF MEMBERS

- 1) Subject to these rules, the Committee or Disciplinary Tribunal of the Association, if of the opinion that an Affiliated Association, Affiliated Club or Member has refused or neglected to comply with these rules, or has been guilty of conduct unbecoming a member, or conduct prejudicial to the interests of the Association, may by resolution -
 - a) expel an Affiliated Association, Affiliated Club or Member from the Association
 - b) suspend an Affiliated Association, Affiliated Club or Member from the Association for a specified time
 - c) fine the Affiliated Association, Affiliated Club or Member in accordance with the By-Laws
 - d) impose such other penalty as deemed necessary.
- 2) Where the Committee or Disciplinary Tribunal passes a resolution under sub-clause (1), the Secretary shall, as soon as practicable, cause to be served on the Affiliated Association, Affiliated Club or Member a notice in writing -
 - a) setting out the resolution of the Committee or Disciplinary Tribunal and the grounds on which it was based;
 - b) stating that the Affiliated Association, Affiliated Club or Member may address the Committee or Disciplinary Tribunal at a meeting to be held not less than 14 days or more than one calendar month after the service of the notice;
 - c) stating the date time and place of that meeting;

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- d) informing the Affiliated Association, Affiliated Club or Member that he may do one or more of the following:
 - i. Attend that meeting
 - ii. Give to the Committee or Disciplinary Tribunal before the date of that meeting a written statement seeking revocation of the resolution;
 - iii. not later than 24 hours before the date of the meeting lodge with the Secretary a notice to the effect that he wishes to appeal to the Delegates Meeting in general meeting against the resolution.
 - 3) A resolution of the Committee or Disciplinary Tribunal under sub-clause (1)
 - a) does not take effect unless the members at a Delegates Meeting held not earlier than 14 days nor later than one calendar month after the service on the Affiliated Association, Affiliated Club or Member of a notice under sub-clause (2) confirms the resolution in accordance with this clause; and
 - b) where an Affiliated Association, Affiliated Club or Member exercises a right of appeal to the Delegates Meeting under this clause, does not take effect unless the Delegates Meeting confirms the resolution in accordance with this clause.
 - 4) At a Delegates Meeting of the Association held in accordance with sub-clause (2) the meeting -
 - a) shall give the Affiliated Association, Affiliated Club or Member an opportunity to be heard,
 - b) shall give due consideration to any written statement submitted by the Affiliated Association, Affiliated Club or Member ; and
 - c) shall by resolution determine whether to confirm or to revoke the resolution.
 - 5) Where the Secretary receives a notice under sub-clause (2)(d)(iii) he shall notify the Committee and the Committee shall convene a Delegates Meeting of the Association to be held within 21 days after the date on which the Secretary received the notice
 - 6) At a Delegates Meeting meeting of the Association convened under sub-clause (5) -
 - a) no business other than the question of the appeal shall be transacted;
 - b) the Committee may place before the meeting details of the grounds for the resolution and the reason for passing the resolution;
 - c) the Affiliated Association, Affiliated Club or Member shall be given an opportunity to be heard; and
 - d) the members present shall vote by secret ballot on the question whether the resolution shall be confirmed or revoked.
 - 7) If at a general meeting -
 - a) At least 50% of the members present vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and
 - b) in any other case the resolution is revoked.

11. ANNUAL GENERAL MEETINGS

- 1) The Association shall in each calendar year convene an Annual General Meeting.
- 2) The Annual General Meeting shall be held on such a day as the Committee determines in accordance with the By-Laws.
- 3) The Annual General Meeting shall be specified as such in the notice convening it.
- 4) The ordinary business of the Annual General Meeting shall be:
 - a) To confirm the minutes of the last Annual General Meeting.
 - b) To receive from the Committee a report of the activities of the Association during the preceding year.
 - c) To receive from the Committee a report on the transactions of the Association during the preceding financial year in accordance with Section 30(3) of the Act.
 - d) To elect Office Bearers.
 - e) To elect officers of the Association and the ordinary members of committees required to be elected under these rules and the By Laws.
 - f) To determine annual affiliation fees.
 - g) To appoint an Auditor.
- 5) The Annual General Meeting may transact special business of which notice is given in accordance with these rules.
- 6) The Annual General Meeting shall be an addition to any other general meetings that may be held in the same year.
- 7) A member desiring to bring any business before an Annual General Meeting may give notice of that business 21 days prior to the date set for that meeting in writing to the Secretary, who shall include that business in the notice calling the Annual General Meeting

12. SPECIAL GENERAL MEETINGS

Other than the Annual General Meeting meetings called Special General Meetings may be convened.

- 1) The Committee may whenever it thinks fit, convene a Special Meeting of the Association and, where but for this sub-clause, more than 15 months would lapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.
- 2) The Committee shall, on the request in writing of Members representing not less than one third of the total number of Affiliated Clubs and Associations convene a Special General Meeting of the Association.
- 3) The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the Members representing the Clubs or Associations making the requisition and be sent to the address of the Secretary of the Association, and may consist of several documents in a like form each signed by at least one (1) of the Members making the requisition.
- 4) If the Committee does not cause a Special General Meeting to be held within one calendar month after the date on which the requisition is sent to the address of the Secretary, the Members making the requisition or any of them may convene a Special General Meeting to be held not later than three (3) months after that date.
- 5) A Special General Meeting convened by Members in pursuance of these rules shall be convened in the same manner as nearly as possible as in those meetings that are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

13. NOTICE OF ANNUAL OR SPECIAL GENERAL MEETINGS

- 1) The Secretary of the Association shall, at least fourteen days prior to the date fixed for the holding of the Annual General Meeting or Special General Meeting cause to be sent to each member of the Association at the address appearing in the register of members, a notice by paid post or email stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

14. PROCEDURE AND QUORUM, GENERAL MEETINGS

- 1) 30% of members personally present (being members entitled under these rules to vote at a General Meeting) shall constitute a quorum for the transaction of the business of a general meeting of the Association
- 2) All business that is transacted at the Annual General Meeting with the exception of that specially referred to in these rules as being the business of the Annual General Meeting shall be deemed to be special business.
- 3) No item of business shall be transacted at a general meeting unless a quorum of members entitled to be present and under these rules entitled to vote is present during the time when the meeting is considering that item.
- 4) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened on the requisition of members shall be dissolved, and in any other case shall be adjourned to a time and place as determined by the Committee. If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 5) shall be a quorum.

15. CONSTITUTION OF DELEGATES MEETING

- 1) The Delegates Meeting shall consist of
 - a) The officers of the Association
 - b) The Chairman of the Permit and Clearance Committee (Player Movement)
 - c) The Chairman of the Disciplinary Tribunal
 - d) Delegate members
 - e) Life Members.

16. DELEGATES MEETINGS AND OTHER MEETINGS

- 1) All meetings of the Association other than Annual General Meetings and those convened as Special General Meetings shall be called Delegates Meetings.
- 2) The Committee shall convene Delegates Meeting in accordance with the By Laws.
- 3) A quorum for the transaction of the business of the Delegates Meeting is 20 members.
- 4) In the case of an ordinary Delegates Meeting it will be sufficient for the Committee to advise members of the Association in advance of the time and place of the next and future Delegates Meetings.
- 5) Members wishing to bring business before a Delegates Meeting may do so with the permission of the chairman and the consent of the members present.
- 6) A member desiring to bring business before a future meeting may give notice in writing to the Secretary who shall include that business in the agenda for the next Delegates Meeting after the receipt of the notice.
- 7) The procedure at Delegates Meetings and Other Meetings shall be as nearly as practicable that applying to general meetings of the Association.
- 8) The Committee may convene other meetings from time to time in accordance with the By Laws.

17. CHAIRMAN

- 1) The President, or in his absence, the Vice President shall preside as Chairman at each meeting of the Association.
- 2) If the President or Vice President are absent from a meeting, the members present shall elect one of their number to preside as Chairman at the meeting.

18. ADJOURNMENT

- 1) The Chairman of a general or Delegates Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 2) Where a meeting is adjourned for 14 days or more a notice shall be given as in the case of a general meeting.
- 3) Except as provided in sub-clause (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

19. POLLS

- 1) Except as otherwise provided in these rules, a question arising at meetings of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that the resolution has, on a show of hands, been carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Association is evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- 2) If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at the meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 3) A poll that is demanded on the election of a Chairman or on a question of an amendment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.

20. VOTING

- 1) Upon any question arising at a meeting of the Association a member has one vote only.
- 2) All votes shall be given personally or by proxy.
- 3) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.
- 4) A member representing an affiliated club is not entitled to vote at any general meeting or Delegates Meeting of the Association unless all monies due and payable by his club and stipulated by the Association have been paid.

21. PROXIES

- 1) Each member shall be entitled to appoint another member of his club or association as his proxy by notice given to the Secretary prior to the time of the meeting in respect of which the proxy is appointed.
- 2) The notice appointing the proxy shall be given on the approved form as stipulated in the By-Laws.

22. COMMITTEE POWERS

- 1) The affairs of the Association shall be managed by a Committee of Management constituted as provided in Rule 23.
- 2) The Committee -
 - a) shall control and manage the business and affairs of the Association.
 - b) may, subject to these rules, the by-laws and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings or Delegates Meeting meetings of the Association; and
 - c) subject to these rules, the by-laws and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association; and
 - d) may subject to these rules, by-laws and the Act, enact By-Laws with regard to -
 - i. Management Procedures - Administration and Organisation.
 - ii. Umpires;
 - iii. Permits and Clearances; (Player Movement procedures)
 - iv. Disciplinary Tribunal;
 - v. Umpires Appointments Committee;
 - vi. Matches and Competitions under the auspices of the Association -

Senior
Under Age (Junior)
Veterans
Inter Association

23. OFFICE BEARERS

- 1) The officers of the Association shall be -
 - a) a President;
 - b) a Vice President;
 - c) a Secretary;
 - d) a Treasurer and
 - e) a Junior Section Manager.
- 2) The provisions of Rule 24 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-clause (1).

24. COMMITTEE

1) The Committee shall consist of: -

- a) the officers of the Association;
- b) the Chairman of the Permit and Clearance Committee; (Player Movement)
- c) the Chairman of the Disciplinary Tribunal;
- d) a representative of the Umpire's Association

each of whom shall be elected at the Annual General Meeting of the Association each year with the exception of the umpire's representative who shall be nominated by the Umpire's Association. None of the above need necessarily be a member of an affiliated club.

- 2) Each member of the Committee shall, subject to these rules, hold office until the Annual General Meeting next after the date of his election but is eligible for re-election.
- 3) In the event of a casual vacancy occurring in the office of an officer or ordinary member of the Committee, the Committee may appoint a member to the vacant office and the member shall hold office until the next Annual General Meeting following the date of his appointment.
- 4) The Committee of Management has the power to over ride any existing Rule or Penalty, where it sees fit to do so

25. ELECTION OF COMMITTEE MEMBERS

- 1) The nomination of candidates for election as officers of the Association, members of Committee, and ordinary members of other constituted Association Committees as defined in these rules and the By Laws
 - a) shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
 - b) shall be delivered to the Secretary of the Association not less than seven (7) days before the date fixed for the holding of the annual general meeting.
- 2) If insufficient nominations are received to fill all vacancies on the Committees, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- 3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 4) If the number of nominations exceeds the number of vacancies to be filled a ballot shall be held.
- 5) Vacant offices after the Annual General Meeting shall be filled by the Committee.
- 6) The ballot for the election of office bearers and other members of Committees shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.

26. TERMINATION OF OFFICE

For the purposes of these rules, the office of an officer of the Association or of an ordinary member of the Committee becomes vacant if the officer or member -

- a) ceases to be a member of the Association;
- b) becomes insolvent within the meaning of the Companies (Victoria) code;
- c) resigns his office by notice in writing given to the Secretary; or
- d) fails to meet attendance at meetings requirements as laid down in these rules and the By Laws.

27. QUORUM AND PROCEDURE AT COMMITTEE MEETINGS

- 1) The Committee shall meet at such place and at such time as the Committee may determine.
- 2) Special meetings of the Committee may be convened by the President or by any four members of the Committee.
- 3) Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted.
- 4) Any four members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- 5) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned.
- 6) At meetings of the Committee -
 - a) The President or in his absence the Vice President shall preside, or
 - b) if the President and Vice President are absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.
- 7) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined by a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- 8) Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote, and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 9) Notice of each Committee meeting not previously publicised shall be served on each member of the Committee at a reasonable time before the meeting.
- 10) Subject to sub-clause (4) the Committee may act notwithstanding any vacancy on the Committee.

28. SECRETARY

The Secretary shall carry out the directions of General Meetings, Delegates Meetings and Committee meetings, uphold these rules and supervise the maintenance of all Association records.

- 1) The Secretary of the Association shall keep minutes of the resolutions and proceedings of each general meeting and each Delegates and Committee meeting in books provided for that purpose together with a record of the names and persons present at each meeting.
- 2) As soon as possible after the conclusion of the meeting he shall provide a copy of such minutes.
- 3) He shall be required to assist the Secretary in matters as deemed necessary.

29. TREASURER

- 1) The Treasurer of the Association -
 - a) shall collect and receive all monies due to the Association and make all payments authorized by the Association; and
 - b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
 - c) present to each meeting of the Association and the Committee a statement of the current financial position of the Association.
 - d) prepare and have audited an Annual Financial Statement and present same at the following Annual General Meeting.
 - e) make available for inspection by members, on request, the accounts and books of the Association.

30. REMOVAL OF COMMITTEE AND DELEGATE MEMBERS

- 1) The Association in Special General Meeting may, by resolution, remove any member of the Delegates Meeting or Committee or constituted committees of the Association before the expiry of the term of office and appoint another member in his stead for the remainder of the term.
- 2) Where the member to whom a proposed resolution referred to in sub-clause (1) makes representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association, the Secretary or the President may send a copy to each member of the Association or, if they are not so sent, the member may request that they be read out at the meeting.

31. SIGNING OF NEGOTIABLE INSTRUMENTS

All cheques, drafts, bills of exchange, promissory notes and any other negotiable instruments shall be signed by any two of the President, Secretary and Treasurer.

32. COMMON SEAL

- 1) The Common Seal of the Association shall be kept in the custody of the Secretary.
- 2) The Common Seal shall not be affixed to any instrument except by authority of the Committee and the affixing of the Common Seal shall be attested by the signatures of two of the President, Secretary or Treasurer.

33. ALTERATIONS OF STATEMENT OF PURPOSES AND RULES

These rules and statement of purposes of the Association shall not be altered except in accordance with the Act.

34. SERVICE OF NOTICES

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

35. NON PROFIT AND WINDING UP

- (1) Non Profit
The assets and income of the Association shall be applied solely in furtherance of its purposes and no portion shall be distributed directly or indirectly to the members of the Association except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.
- (2) Winding Up
In the event of the winding up or cancellation of the Association in accordance with the provisions of the Act, the amount which remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to any organisation which has similar objects and which is exempt from income tax.

36. CUSTODY OF BOOKS AND OTHER DOCUMENTS

Except as otherwise provided for in these rules, the Secretary shall keep in his custody or under his control, all books, documents and securities of the Association

37. FUNDS

- 1) The funds of the Association shall be derived from Annual Subscriptions, grants, donations and such other sources as the Committee determines.
- 2) All funds shall be paid into a bank or financial institution as determined by the Committee, the account to be styled "Box Hill Reporter District Cricket Association, Incorporated".

38. MANAGEMENT OF ASSOCIATION AFFAIRS

Without in any way limiting the generality of the powers conferred by these rules, the Association may do all acts, deeds or things which are authorised by the Rules of the Association or which may be deemed necessary for the carrying out of the objects, or which the Association may consider conducive to the interests of the game of cricket. The Association may delegate such powers, or any of them to the Committee or to any sub-committee appointed by the Association or by the Association jointly with any other cricket governing body.

39. DISPUTES AND MEDIATION

- (1) The grievance procedure set out in this rule applies to disputes under these Rules between –
 - (i) A member and another member; or
 - (ii) A member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be –
 - (i) A person chosen by agreement between the parties;
or
 - (ii) In the absence of agreement –
 - (1) In the case of a dispute between a member and another member, a person appointed by the Committee; or
 - (2) In the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
 - (3) A member of the Association can be a mediator.
 - (a) The mediator cannot be a member who is a party to the dispute.
 - (b) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
 - (4) The mediator, in conducting the mediation, must –
 - (5) Give the parties to the mediation process every opportunity to be heard; and
 - (a) allow due consideration by all parties of any written statement by any party; and
 - (b) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
 - (6) The mediator must not determine the dispute.
 - (7) 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 otherwise at law.