

# LUM RESERVE TENNIS CLUB INC. RULES

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# LUM RESERVE TENNIS CLUB INC. RULES

## 1. NAME

The name of the incorporated association is LUM RESERVE TENNIS CLUB INCORPORATED (Inc. No. 13897 Y, in these rules called "the Club").

## 2. PURPOSES

The purposes of the Club are:

- 2.1 To provide suitable tennis facilities for its Members.
- 2.2 To promote the game of tennis.
- 2.3 To promote family, group and social activity.
- 2.4 To promote good sportsmanship in conjunction with a competitive spirit by participating in inter-club and similar competition.

## 3. POWERS OF THE CLUB

- 3.1 The Club has power to do all things that help it to achieve the Purposes.
- 3.2 The Club and its Committee may only exercise their powers and use the income and assets of the Club for the Purposes of the Club.
- 3.3 Without limitation to the generality of 3.1 above, the Club shall have power to:
  - 3.3.1 Subscribe to, become a member of and cooperate with any club, association or organisation, whether incorporated or not, whose objects are altogether or in part similar to or compatible with those of the Club.
  - 3.3.2 Buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the benefit of members of the Club or persons present as guests of the Club.
  - 3.3.3 Purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the Purposes of the Club.
  - 3.3.4 Enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the Purposes and the exercise of the powers of the Club. Obtain from any such Government or Authority any rights, privileges and concessions which the Club may think it desirable to obtain and carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
  - 3.3.5 Appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the Purposes of the Club.
  - 3.3.6 Construct, improve, maintain, develop, work, manage, carry out, alter or control any buildings, houses, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Club's interests, and to

contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.

- 3.3.7 Invest and deal with the money of the Club not immediately required in such manner as may from time to time be thought fit.
- 3.3.8 Borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper.
- 3.3.9 Sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Club.

#### **4. FINANCIAL AND MEMBERSHIP YEARS**

The Financial Year of the Club starts on 1 June of each year and ends on 31 May of the following year.

The Membership Year of the Club starts on 1 September of each year and ends on 31 August of the following year.

#### **5. DEFINITIONS**

In these rules, unless the contrary intention appears:

**“Club”** means the Lum Reserve Tennis Club Incorporated (Inc. No. 13897 Y).

**“Committee”** means the Committee of Management of the Club as provided in Rule 12.

**“Date of Receipt”** of any written communication from the Club to a member shall, for the purposes of these Rules, be deemed to be 5 days after the sending of such communication by registered or normal post using Australia Post.

**“Financial Year”** means the 12 month period specified in Rule 4.

**“General Meeting”** means Annual General Meeting of members convened in accordance with Rule 11 or Special General Meeting convened in accordance with Rule 11.

**“Membership Year”** means the 12 month period specified in Rule 4.

**“Officer”** of the Club shall mean one of the President, Vice President, Secretary or Treasurer as provided in subrule 12.6.

**“Ordinary Committee Member”** means a member of the Committee who is not an Officer of the Club as provided in Rule 12.

**“Purposes”** means the objects of the Club as set out in Rule 2.

**“Register of Members”** refers to a list of members and details pertaining to them as set out in Rule 7.

**“Special Resolution”** means a resolution that requires at least three-quarters of those Voting Members who vote at a General Meeting, either in person, by the use of technology or by proxy, in favour of it for it to be passed.

**"The Act"** means the Associations Incorporation Reform Act 2012.

**“The Registrar”** means the Registrar of Incorporated Associations.

**"The Regulations"** means regulations under the Act.

**“Voting Members”** means all members with voting rights (Full and Non-Playing Members as set out in Rule 6.2).

## **6. MEMBERSHIP**

### **6.1 GENERAL PROVISIONS**

- 6.1.1 Anyone who supports the Purposes of the Club can apply to join the Club as a member.
- 6.1.2 The Committee can set or change joining fees and annual subscription fees for members. Changes to the amounts of these fees must be approved by members at a General Meeting.
- 6.1.3 A person can apply to join the Club by writing to the Secretary and paying the joining fee (if any).
- 6.1.4 The Committee can approve or reject an application to join the Club. If the Committee rejects an application, it is not required to give reasons for that decision, but it must return the joining fee (if any) and write to the person to tell them their application has been rejected.
- 6.1.5 Where the number of applicants exceeds the number of available places, the Committee shall determine order of priority for admission of any applicants. Priority will be given to applicants from the immediate family of financial Members of the Club.
- 6.1.6 A person becomes a member when;
  - 6.1.6.1 the Committee has approved their application to join the Club,
  - 6.1.6.2 the Club has received the person’s joining fee (if any) and annual subscription, and
  - 6.1.6.3 the Secretary has entered the person’s name, address and date they became a member on the Register of Members.
- 6.1.7 The Club must inform the person when their membership has started. Any person becoming a member shall pay the full year’s subscription on joining and be given credit towards their next year’s fee based on the pro-rata part of the normal fee for the expired months of the Membership Year

- 6.1.8 Members can choose to stop being a member of the Club at any time by writing to the Secretary. The Club will not refund any joining and subscription fees already paid.
- 6.1.9 Members must pay the annual subscription fee (if any) within one month of the commencement of the Membership Year (by 30 September). If a member does not pay by 31 October, the Committee may terminate the membership in accordance with Rule 10.
- 6.1.10 Members have rights and liabilities as set out in the Act and in these Rules. Each member's liability is limited to the joining and annual subscription fees (if any).

## **6.2 MEMBERSHIP CLASSES**

- 6.2.1 The Club must have at least 5 members and there shall be three classes of membership:
  - Full Members.  
Full Members shall have both playing and voting rights in the Club and shall be subject to the direction of the Committee and to the Rules of the Club.
  - Non-Playing Members.  
Non-Playing Members shall have all the same rights and be subject to the same Rules as full members except that they shall have no playing rights.
  - Junior Members.  
Members under 18 years of age, other than those admitted to other classes of membership by the Committee, shall be Junior Members of the Club.  
Junior members shall have playing rights but no voting rights.  
All junior members shall be subject to the direction of any member appointed by the Committee for the purposes of coordination of junior activities within the Club.
- 6.2.2 Honorary and Temporary Members.
  - No person shall;
  - be appointed as an honorary or temporary member of the Club, or
  - be exempt from the obligation to pay the ordinary subscription for membership of the Club,
  - unless the person is of a class specified in the Rules and the admission or exemption is in accordance with the Rules, except that a visiting player who is participating in an organised event and whose name is recorded on a day's playing sheet or match card is deemed to be a temporary member for that day.

## **6.3 MEMBERSHIP TRANSFER**

- 6.3.1 Transfer to a different class of membership shall be subject to the approval of the Committee.
- 6.3.2 Subscriptions shall be adjusted, but calculated pro rata on the unexpired months of the Membership Year at the time of transfer.

- 6.3.3 A non-playing member may not transfer to full membership without paying, or having previously paid, the then current joining fee as part of a period of continuous membership.
- 6.3.4 Full members of the Club shall constitute not less than 60 percent of the total membership of the Club excluding junior members.

## **6.4 JOINING FEES AND ANNUAL SUBSCRIPTIONS**

- 6.4.1 Joining fees shall be the amounts determined for each class of membership by the Club in General Meeting and shall be paid prior to granting of membership except as provided for in Rules 6.4.3 to 6.4.5 below.
- 6.4.2 The Treasurer's report to the Annual General Meeting shall include a recommendation as to the fee structure for the next subscription year including any concessions for students or group memberships.
- 6.4.3 The Committee may waive any joining fee for non-playing member applicants in special circumstances.
- 6.4.4 The Committee may waive or reduce the Annual Subscription for any member in cases of demonstrated financial hardship.
- 6.4.5 The Committee may waive the joining fee if the applicant has previously been a member of the Club in good standing.

## **7. REGISTER OF MEMBERS**

The Secretary shall be responsible for establishing and maintaining a Register of Members, showing full name, address, class of membership and date of commencement, in accordance with the requirements of the Act. The Secretary, with the agreement of the Committee, may delegate the day-to-day maintenance of the Register to another member.

## **8. MEMBERS' ACCESS TO DOCUMENTS**

- 8.1 A member may, subject to rules 8.3 to 8.5 below, inspect the Rules of the Club, General Meeting minutes, Register of Members and relevant documents (as defined in the Act) including financial records, contracts and asset records at a reasonable time.
- 8.2 A member can write to the Secretary asking for copies of these documents (with the exception of the Register of Members). The Secretary can charge a reasonable fee for providing copies.
- 8.3 The Secretary can refuse a request to inspect or get copies of relevant documents, if the documents contain confidential, personal, employment, commercial or legal matters, or if granting the request would breach a law or may cause damage or harm to the Club.

- 8.4 Members cannot inspect or get copies of Committee meeting minutes or parts of the minutes, unless the Committee specifically allows it.
- 8.5 Members can write to the Secretary to ask that the Secretary restrict access to their details on the Register of Members if they have special circumstances. The Secretary will decide if there are special circumstances, and will write to the member outlining the decision. Special circumstances may include, but are not limited to, instances where a member has had threats made against them by another member or where some other harm or danger is linked to a member's details being available on the Register of Members. Decisions of the Secretary are subject to application to the Victorian Civil and Administrative Tribunal or other competent authority having jurisdiction for review.

## **9. DISCIPLINE OF MEMBERS**

- 9.1 The Committee can discipline a member of the Club if it considers the member has breached these Rules or if the member's behaviour is causing (or has caused) damage or harm to the Club.
- 9.2 The Committee must write to the member to tell them why disciplinary action is proposed to be taken and inform them of the details of the disciplinary procedures which will apply as well as the time, date and place at which any meeting to consider the disciplinary action will take place.
- 9.3. The Committee must arrange a suitable disciplinary procedure that meets these requirements:
- 9.3.1. the outcome must be determined by an unbiased decision-maker,
  - 9.3.2. the Member must have opportunity to be heard and if desired present a written submission, and
  - 9.3.3. the disciplinary procedure must be completed as soon as reasonably practicable.
  - 9.3.4. The outcome must be ratified by the Committee before being implemented. The Committee may ratify the outcome or decide not to implement any disciplinary action. The Committee cannot vary the outcome decided by the unbiased decision maker.
- 9.4 The outcome of a disciplinary procedure will be communicated to the member in writing and can be that the member be suspended for a period of time or expelled. The Club cannot fine a member.
- 9.5 Any Member aggrieved by the Committee disciplinary decision shall be entitled to appeal against the decision by written notice to the Secretary within thirty days of the Date of Receipt of written advice of the decision. The appeal must be made to a Special General Meeting of the Club called for that purpose and convened by the Committee.
- 9.6 At the Special General Meeting to consider a disciplinary appeal:
- 9.6.1 no business other than the question of the appeal may be considered,

- 9.6.2 the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action,
- 9.6.3 the person appealing the discipline decision must be given the opportunity to be heard.
- 9.7 After complying with subrule 9.6, the members present entitled to vote at the Special General Meeting must vote by secret ballot on whether the decision to suspend or expel the member be upheld or revoked. A member may not vote by proxy at the meeting.

## **10. TERMINATION OF MEMBERSHIP**

If a Member has not paid fees due by 31st October, or has not entered into a special arrangement with the Committee, the Committee may terminate the membership. The Member shall be so notified in writing.

## **11. GENERAL MEETINGS**

- 11.1 The Club must hold an Annual General Meeting (AGM) in July or August of each year. All General Meetings other than the AGM shall be Special General Meetings.
- 11.2 The ordinary business of the AGM is to confirm the minutes of the previous AGM, receive reports and statements on the previous financial year, elect Officers and other Committee Members, appoint an auditor (if one is appointed) and set joining fees and annual subscriptions for the following membership year. The notice of AGM must include any special business or motions to be considered.
- 11.3 The Committee or a group of at least 10% of all Voting Members may call a Special General Meeting. A request for a Special General Meeting by at least 10% of members must:
  - 11.3.1 be in writing, and
  - 11.3.2 state the business to be considered at the meeting and any resolutions to be proposed; and
  - 11.3.3 include the names and signatures of the members requesting the meeting; and
  - 11.3.4 be given to the Secretary.
- 11.4 If the Secretary does not convene a Special General Meeting within 6 weeks of receiving a notice in accordance with subrule 11.3, a Special General Meeting may be convened by the requesting members. Any such Special General Meeting must:
  - 11.4.1 be held within 3 months of the date on which the original request was made; and
  - 11.4.2 can only consider the business stated in the request.



- 11.5 The Club must reimburse all reasonable expenses incurred by members convening a Special General Meeting under subrule 11.4
- 11.6 At least 10% of the Voting Members (a quorum) must be present at a General Meeting either in person or through the use of technology or by proxy for the meeting to be held. Where a member attends by the use of technology, the Chair must be convinced that the technology allows the member and those present in person to effectively communicate with each other. In the event of disagreement, this issue will be decided by a show of hands of those present in person.
- 11.7 Members may vote by proxy at General Meetings except as provided in subrule 9.7. Those voting by proxy will be considered as part of any required quorum.
- 11.8 Proxy forms must be received by the Secretary prior to the commencement of the meeting.
- 11.9 Notice of General Meetings must be provided to members at least 21 days before the meeting in writing to each member's postal or email address listed on the Register of Members (in the case of email addresses, so long as the email address was provided for receiving notices). Accidental omission to give notice to any member shall not invalidate the meeting.
- 11.10 Notices of General Meetings must include proposed matters to be dealt with at that meeting. Other business may be allowed, if not specifically excluded elsewhere in these Rules, if included in the agenda included with the notice of meeting.
- 11.11 The Chair of a General Meeting will be the President, or if the President is not in attendance, the Vice President, or if the President and Vice President are not in attendance, the members at the meeting can choose another Committee member to be Chair.
- 11.12 Votes may be held by a show of hands or written ballot, or another method determined by the Chair that is fair and reasonable in the circumstances. If a vote is held initially by show of hands, any member may request a vote be held again by written ballot.
- 11.13 If a vote of the Voting Members is tied, the Chair of the meeting has the deciding vote.
- 11.14 The Chair may adjourn the meeting if there are not enough members at the meeting (see Rule 11.6) within 30 minutes of the meeting time, or if there is not enough time at a meeting to address all business. A new notice must be sent to members before the adjourned meeting (but does not have to comply with time for notice requirements, unless the adjourned meeting is more than 21 days after the original meeting date).

## **12. COMMITTEE OF MANAGEMENT**

- 12.1 The Club is governed by a committee of management (the **Committee**) that is made up of the Officers of the Club and the Ordinary Committee Members
- 12.2 The Committee can exercise all powers and functions of the Club (consistently with the Act), except for powers and functions that the members are required to exercise at a General Meeting (under these Rules or the Act).
- 12.3 The Committee can delegate any of its powers and functions to a Committee member, a sub-committee, a staff member or a member other than the power of delegation or a duty imposed by the Act. The delegation must be in writing and can be revoked by the Committee in writing.
- 12.4 Committee members are elected by Voting Members of the Club at the AGM.
- 12.5 The Committee is made up of the Officers of the Club and up to five Ordinary Committee Members.
- 12.6 The Officers of the Club consist of the President, Vice President, Secretary and Treasurer.
- 12.7 At the first Committee meeting after each AGM the Committee will decide the responsibilities of each Ordinary Committee Member.
- 12.8 The Secretary must perform any duty or function required under the Act to be performed by the Secretary of an Incorporated Association or required by these Rules. The Secretary must be over 18 years of age, and live in Australia.
- 12.9 If the Secretary stops living in Australia, he or she cannot remain the Secretary.
- 12.10 If the Secretary stops being the Secretary, the Committee must appoint a new Secretary within 14 days and the new Secretary must give the Registrar notice of his or her appointment within 14 days after the appointment as required by the Act.
- 12.11 Each Committee member finishes their term of appointment on the Committee at the next AGM after they were appointed, but they can be elected again.
- 12.12 A member can nominate to be on the Committee by writing to the Secretary. Another Voting Member must support their nomination in writing. The supported nomination must be received before the start of the AGM.
- 12.13 If the number of nominations received for any position on the Committee exceeds the number required in these Rules, the AGM Chair shall conduct a ballot to determine the successful candidate or candidates.
- 12.14 If the number of members nominated to be Officers or Ordinary Committee Members is equal to the number required under these Rules, the AGM Chair may declare the relevant positions filled without holding a ballot.
- 12.15 If the number of applicants for any position on the Committee is less than the number required by these Rules, those members nominated shall be declared elected and other qualified members of the Club can nominate themselves for the remaining positions at the AGM and if necessary a ballot will be conducted to determine the successful candidates.
- 12.16 A Committee member stops being on the Committee if they:

resign, by writing to the Committee or the Secretary,  
are removed by a Special Resolution of members of the Club,  
become insolvent (as the term is used in the *Corporations Act 2001*),  
become a represented person (under the *Guardianship and Administration Act 1986*), or  
die.

- 12.17 If a Committee member stops being on the Committee before the end of their term in accordance with rule 12.16, the Committee can temporarily appoint a Voting Member of the Club to fill the vacancy on the Committee until the next AGM. If any position on the Committee is not filled at the AGM, the Committee may fill the position until the next AGM by appointing a qualified member.
- 12.18 Among its responsibilities, the Committee must ensure that:  
accurate minutes of General Meetings and Committee meetings of the Club are made and kept, and  
all records, securities and relevant documents of the Club are kept properly in accordance with the requirements of the Act.

### **13. COMMITTEE MEETINGS**

- 13.1 The Secretary must give 7 days' notice of a Committee meeting to Committee members unless the meeting is an urgent meeting. At an urgent meeting, only the issues for which the meeting was called can be considered.
- 13.2 The Committee can decide how often it meets and shall meet at least twice in each four months.
- 13.3 Committee members may attend meetings through technology (such as phone or video conferencing) so long as everyone can hear and be heard at the same time.
- 13.4 The Chair of Committee meetings is the President, or if the President cannot attend, the Vice President, and if the President and Vice President cannot attend, the Committee members can choose who will be Chair.
- 13.5 If a vote of the Committee is tied, the Chair of the meeting has the deciding vote.
- 13.6 The majority (more than half) of Committee members, including at least one Officer, must be present (either in person or through the use of technology) for the meeting to be validly held (the quorum).
- 13.7 The Committee must ensure that minutes are taken and kept for each meeting. These minutes shall include at least the names of Committee members in attendance, the business considered at the meeting and any resolution on which a vote is taken together with the result of the vote.

### **14. TREASURER**

- 14.1. Unless otherwise determined by the Committee, the Treasurer of the Club shall:

- 14.1.1. Collect and receive all moneys due to the Club.
- 14.1.2. Have all accounts for payment approved by a Committee meeting or a General Meeting.
- 14.1.3. Keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and payments.
- 14.1.4. Prepare an annual budget.
- 14.2 The accounts and books referred to in sub-clause 14.1.3 shall be available for inspection by members, subject to the provisions of Rule 8, providing seven days' notice in writing is given to the Treasurer.
- 14.3 The Club shall use such bank as determined from time to time by the Committee.

## **15. AUDITORS**

The accounts of the Club shall be audited in accordance with the requirements of the Act. If an audit is not required under the Act, the decision as to whether an auditor is appointed will be made by the Annual General Meeting held during that financial year. Audits (if required) shall be carried out by at least one auditor appointed annually at the Annual General Meeting. No auditor shall be a member of the Committee. Any auditor's report shall be prepared and submitted for adoption at the following Annual General Meeting.

## **16. SEAL**

- 16.1 The Common Seal of the Club shall be kept in the custody of the Secretary.
- 16.2 The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested to by the signatures of the Secretary of the Club and one other member of the Committee.

## **17. ALTERATION OF RULES**

- 17.1 These Rules of the Club as required by the Act shall not be altered except in accordance with the Act.
- 17.2 These Rules of the Club may be amended or added to at a General Meeting by Special Resolution with notice of the proposed motion being included in the Notice of Meeting.
- 17.3 A three-quarters majority of those Voting Members present (in person or through the use of technology) or voting by proxy must be obtained to pass amendments or additions to the Rules.

## **18. WINDING UP OF THE CLUB**

- 18.1 The members may vote by Special Resolution at a General Meeting to wind up the Club.
- 18.2 If the Club is wound up, any surplus assets must not be distributed to the members or former members of the Club, and (subject to the Act and any Court order) must be distributed to another organisation or organisations, so long as

that other organisation or organisations have similar purposes to the Club are not carried on for the profit or gain of its members.

- 18.3 Cancellation of incorporation may occur without winding up the Club. Any such cancellation shall be in accordance with the Act.

## **19. SECURITY OF RECORDS**

Except as otherwise provided in these Rules, the Secretary shall keep control of all books, documents and securities of the Club.

## **20. FUNDS**

- 20.1 The funds of the Club shall be derived from joining fees, annual subscriptions, borrowings, interest, donations, social events and other sources approved by the Committee that are consistent with furthering the Club's Purposes.
- 20.2 The income and property of the Club however derived shall be applied solely toward the promotion of its Purposes and no Committee member or Officer shall be appointed to any salaried office or office of profit in the Club and no remuneration or other benefit in money or moneys worth shall be given by the Club to any such member or Officer, except the payment for out-of-pocket expenses, interest on money lent or reasonable and proper rent for premises demised or left to the Club.
- 20.3 No payment of any amount shall be made to an Officer or servant of the Club by way of commission or allowance from the receipts of the Club for the sale and disposal of liquor.
- 20.4 Cheques, electronic funds transfers or cash payments made from the Club's funds must be authorised (signed) by two members of the Committee at least one of whom shall be an Officer of the Club.
- 20.5 Financial records must be kept and stored for 7 years, and in accordance with any other applicable laws.

## **21. RULES OF THE GAME**

The rules of the game under which all members play shall be those adopted by the International Tennis Federation.

## **22. LIFE MEMBERSHIP**

- 22.1 Members who have made a sustained and outstanding contribution to the Club over an extended period of time may be granted Life Membership of the Club as full members but paying no fees or subscriptions.
- 22.2 Nomination of members for Life Membership shall be through and with the approval of the Committee and voted on at an Annual General Meeting.

## **23. ADMINISTRATION OF LICENSED PREMISES**

- 23.1 A record shall be kept by date of the name and address of all guests present at the Club during licensed hours with the intention of consuming liquor.
- 23.2 No visitor to the Club shall be supplied with liquor on the Club premises unless in the company of a member of the Club.
- 23.3 The sale or consumption of liquor shall not be permitted on the Club premises during or immediately following competitions or functions for junior members.

## **24. GRIEVANCE PROCEDURES**

- 24.1 The grievance procedures set out in these Rules apply to disputes between:
  - a member and another member,
  - a member and the Committee,
  - a member and the Club.
- 24.2 A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure under Rule 9 until the disciplinary procedure and any appeal process has been completed.
- 24.3 The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
- 24.4 If the parties to a dispute are unable to resolve the dispute within the time required by Rule 24.3, the parties must within 10 days:
  - notify the Committee of the dispute,
  - agree to or request the appointment of a mediator; and
  - attempt in good faith to settle the dispute by mediation.
- 24.5 The mediator must be:
  - a person chosen by agreement between the parties; or in the absence of agreement
  - a person appointed by the Committee if the Committee or Club is not a party to the dispute.
- 24.6 In the event of no agreement on the choice of mediator in a matter involving the Committee or Club as one party to the dispute, the mediator shall be a person appointed or employed by the Dispute Settlement Centre of Victoria.
- 24.7 The mediator to a dispute, in conducting the mediation, must:
  - give each party every opportunity to be heard,
  - allow due consideration by all parties of any written statement submitted by any party; and
  - ensure that natural justice is accorded to the parties throughout the mediation process.
- 24.8 The mediator must not determine the dispute.
- 24.9 If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.