

**RULES
OF
Bushwalking Australia
Incorporated**

Adopted 11/10/2009

1. NAME

The Association shall be known as Bushwalking Australia Incorporated. (BAI)

2. HISTORY

Bushwalking Australia Inc was formed in 2003 by mutual agreement of the Confederation of Bushwalking Clubs NSW Inc, the Federation of Victorian Walking Clubs (VicWalk) Inc, the Queensland Federation of Bushwalking Clubs, the Walking Federation of South Australia Inc, the Federation of Western Australian Bushwalkers Inc, and the Federation of Tasmanian Bushwalking Clubs.

3. APPLICABLE LAW

The Association is incorporated in the State of South Australia and is subject to the Associations Incorporation Act of that state.

4. OBJECTS

The objects of the Association are:

- Promote safe and environmentally responsible bushwalking to the community.
- Represent bushwalking and bushwalkers on matters of national and international significance.
- Facilitate interaction and sharing of knowledge and skills between state bushwalking bodies, clubs and individual bushwalkers across Australia.
- Provide services to Member Associations, bushwalkers and the wider community in furtherance of these objectives.

5. DEFINITIONS

BAI and “the Association” mean Bushwalking Australia Incorporated.

Bushwalking includes all forms of recreational walking and allied outdoor activities, typically in a natural setting.

Council means the collection of Delegates, and any co-opted Members appointed in accordance with clauses rule 11 and is the equivalent of the Committee described in the Act.

Council meeting means a meeting of the Officers and Delegates other than as a general meeting.

Council member means an *Officer*, Delegate or co-opted Member of the Council.

Delegate means a person elected or appointed in accordance with rule 11 to represent a Member Association and in these Rules shall mean Delegate or Deputy Delegate while standing-in, unless the intent is otherwise clear.

Document includes paper based letters, forms and similar as well as electronic representations.

General meeting means the annual general meeting or a special general meeting of the members.

May means that the action referred to is allowed by the Rules but is not required.

Member Association or Member means an organisation which has been admitted to full Membership of the Association in accordance with rule 9.

Misconduct means conduct which is seriously, knowingly or persistently in breach of the law, these Rules, or the By-laws.

Notice in writing means letters and messages delivered in person or sent by post or electronic means such as e-mail or fax.

Registration Authority means the Office of Business and Consumer Affairs in South Australia.

Shall means that the action referred to is compulsory.

Should means that the action referred to is allowed by the Rules and is recommended.

State President means the person elected to the office of President of a Member Association.

Resolutions: Special resolution means a special resolution as defined in the Act. All other resolutions means an ordinary resolutions.

The Act means the Associations Incorporation Act of South Australia 1985.

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6. POWERS

In addition to the powers conferred by Section 25 of the Act, the Association may, in furtherance of its objects:

- (a) Receive and expend moneys;

- (b) Produce, distribute, and/or sell goods and/or services *as allowed under the Act*;
- (c) Engage and disengage staff;
- (d) Establish subsidiaries;
- (e) Take, or otherwise acquire and hold shares, debentures or other securities of any company or body corporate;
- (f) Control and raise money, including to borrow, invest or advance monies and to secure the payment of such by way of mortgage or charge over all or part of any of its real and personal property;
- (g) Undertake any such related or similar activity allowed by applicable law.

7. ALTERATION OF THE RULES

7.1. These Rules shall not be altered unless notice of motion for alteration of the Rules has been given in writing to the Secretary not less than two months prior to the General Meeting at which the motion is to be considered and the Secretary has given notice in writing to all Members not less than one month prior to that General Meeting.

7.2. These Rules shall not be altered unless a resolution is carried by a majority of two thirds of the votes cast at a General Meeting and not less than one half of the Members support the resolution.

7.3. Within one month of any motion for alteration of the Rules being carried, the Public Officer of the Association shall file with the Registrar of Incorporated Associations in the state in which the Association is registered a copy of the alteration and the alteration shall have no effect until this requirement has been met, and in the case of an alteration to the objects or name of the Association, until the approval of the Registrar has been obtained.

8. BY-LAWS

8.1. The Council may make By-laws (not inconsistent with the law or these rules) for the administration of BAI, for the carrying into effect of any part of these Rules, for the attainment of any of the Association's objects, or for any matter incidental thereto.

8.2. The Council may amend the By-laws by resolution which when approved are binding on all members.

9. MEMBERSHIP

9.1 Eligibility.

Membership is open to organisations or associations that agree with the objects of BAI and are recognised by the Council as the peak body representing bushwalking and allied activities. (Such activities shall be determined as allied by the Council at its absolute discretion) in a particular State or Territory of Australia.

9.2. Application for membership.

An association that meets the requirements of clause 9.1 may apply for membership. The manner of application for Membership shall be as prescribed in the By-laws of the Association

9.3. Approval of Membership.

For an application to be approved there must be a resolution of the Council gaining the support of at least two thirds of Delegates. Following approval of a Membership application by the Council, the Membership of the applicant shall commence when the application fee, determined in accordance with clause 9.6 is received by BAI *and the members name is entered in the register of members.*

9.4. Rights of members

9.4.1 Each Member Association shall have the right to nominate two Delegates to the Council in accordance with rule 11.4.

9.4.2 One of the two delegates shall be the president of the Member Association, unless otherwise determined by the Member Association.

9.5. *Ceasing Membership*

9.5.1 A Member of BAI who has paid all moneys due and payable by a Member to BAI may resign from BAI by giving one month's notice in writing to the Secretary of their intention to resign.

9.5.2 After the expiry of the period referred to in sub-rule (a):

- (a) The Member ceases to be a Member; and
- (b) The Secretary must record in the register of Members the date on which the Member ceased to be a Member.

9.6. *Membership Fees*

A Member Association must pay a membership fee which shall be determined by the Council annually. The fee shall be composed of a component (which may be zero) which is the same for each Member Association, and a capitation component. The By-laws of the Association may set out the time for payment of Membership fees and each Member Association shall comply with those by-laws.

9.7. *Liability of Member*

The liability of a Member Association to contribute towards the payment of the debts and liabilities of BAI or the costs, charges and expenses of the winding up of the BAI is limited to the amount, if any, unpaid by the Member Association in respect of its Membership as required by clause 9.6.

10. GENERAL MEETINGS

10.1. General meeting means the annual general meeting or any special general meeting of the members as described in the Act.

10.1.1 Chairperson at general meetings

The President shall chair all general meetings of BAI. If the President is absent or stands aside from the chair, the meeting shall appoint another officer of BAI to preside.

10.1.2 Quorum at general meetings

A meeting shall be properly constituted if one half of the Member Associations are represented by a Delegate.

10.2. Annual General Meeting (AGM)

10.2.1 The Annual General Meeting of BAI shall be held within three months of the end of the BAI financial year on a date determined by the Council.

10.2.2 The notice convening the Annual General Meeting must specify that the meeting is an Annual General Meeting. The Secretary of the Association shall at least twenty-one days before the date fixed for holding the Annual General Meeting send to each Member appearing on the register a notice stating, date, time and place of the meeting.

10.2.3 The agenda for the meeting shall include:

- (a) The confirmation of the minutes of the previous annual general meeting and of any special general meeting held since that meeting.
- (b) The consideration of the accounts, the auditor's report and reports of the activities of BAI.
- (c) The election of Officers.
- (d) Any other business of which notice has been given in accordance with these rules.

10.2.4 All Officer positions due for election and all positions filled since the previous annual general meeting due to a casual vacancy shall be declared vacant with effect from the commencement of the elections at the AGM.

10.2.5 Provisions shall be made in the By-laws for:

- (a) The time and manner within which persons may nominate for candidature at an election;

And;
(b) The means of conducting elections.

10.3. Special General Meetings

10.3.1 The Council may, whenever it thinks fit, convene a Special General Meeting of BAI.

10.3.2 Upon a request by not less than one third of the total number of members, a special general meeting of BAI shall be convened in the manner specified in clause 9.4.

10.3.3 A request for a special general meeting must state the purpose of the meeting. The statement of the purpose of the meeting shall be sent to all members and delegates with the notice of the meeting.

10.4. Notice of a Special General Meeting

The Secretary of the Association, at least fourteen days, or if a special resolution has been proposed at least twenty one days, before the date fixed for holding a special general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the date, time and place, of the meeting and the nature of the business to be conducted at the meeting.

10.5. Voting at General Meetings

10.5.1 At general meetings only one delegate per member may vote.

10.5.2 If at a general meeting a poll (vote) on any resolution is demanded by not less than two Delegates, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that matter. A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other matter must be taken at such time before the close of the meeting as the Chairperson may direct.

10.5.3 In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.

11. THE COUNCIL

11.1. Powers and Duties of the Council

11.1.1 The affairs of BAI shall be managed and controlled by a Council which, in addition to any powers and authorities conferred by these rules, may exercise all such powers and do all such things as are within the objects of BAI, and are not by the Act or by these rules required to be done by BAI in general meeting.

11.1.2 The Council has the management and control of the funds and other property of BAI.

11.1.3 The Council shall have authority to interpret the meaning of these rules and any other matter relating to the affairs of BAI on which these rules are silent.

11.1.4 The Council shall appoint a public officer as required by the Act.

11.2. Council Meetings

11.2.1 Council meetings of BAI shall be held at least once annually.

11.2.2 Meetings may be held: in person, by telephone conference call, by using technology such as the Internet, or such other method as the Council shall approve.

11.2.3 In the case of a meeting to be held in person or via an electronic medium the Secretary shall give or cause to be given to each Officer and Delegate at least twenty one days notice in writing of the details of the date, time and agenda of the meeting.

11.2.4 Any Delegate may attend a Council Meeting and take part in discussions unless excluded by a ruling of the Chairperson or a resolution of the Council.

11.2.5 Where a meeting is held using electronic means, the procedures for conducting the meeting and for voting on resolutions shall be set down in the By-laws. These procedures shall as far as practicable reflect standard face-to-face meeting procedure.

11.2.6 Quorum for Council Meetings - A meeting shall be properly constituted if one half of the Member Associations are represented by Delegates.

11.3. Chairperson of the Council

The President shall chair all meetings of the Council. If the President is absent or stands aside from the chair, the meeting shall appoint another council member to preside.

11.4. Members of Council

11.4.1 The Council shall consist of:

- (a) Two delegates appointed by each Member Association in accordance with rule 9.5.
- (b) Co-opted non voting members appointed in accordance with clause 11.4.2 and
- (c) Officers of the Association.

11.4.2 The Council may co-opt any person onto the Council that the Council deems can assist its deliberations. Such persons shall have no vote on resolutions of the Council.

11.4.3 A Member Association may appoint alternate Delegates to stand-in for a Member Association's Delegate when, and only when, a Delegate is absent or otherwise unable to function in the position of Delegate. An alternate Delegate does not vote or take direct part in Council meetings unless standing-in for a Delegate.

11.4.4 The by-laws may make provision for the manner of nomination of Delegates and alternate Delegates.

11.5. Cessation as a Member of the Council

A person shall automatically cease to be a Member if he or she:

- (a) Dies; or
- (b) Resigns their Membership, or
- (c) Is expelled or resigns from, or ceases to be a member of the Member Association they represent,
Or
- (d) Is declared bankrupt or convicted of a criminal offence,
Or
- (e) If the Member Association nominating the Member fails to pay its annual subscription by the due date as set out in the by-laws,
Or
- (f) If the Member Association nominating the Member advises the Association in writing of a replacement Member.

11.6. Council Membership Entitlements Not Transferable

A right, privilege or obligation which a person has by reason of being a Delegate:

- (a) Is not capable of being transferred or transmitted to another person; and
- (b) Terminates when the person ceases to be a Delegate.

11.7. Voting at Council Meetings

11.7.1 Council may make By-laws setting out the methods of voting to be used at meetings.

11.7.2 At Council meetings Delegates and Officers may vote.

11.7.3 Persons Co-opted to Council shall not be entitled to vote.

11.7.4 If at a Council meeting a poll (vote) on any resolution is demanded by not less than two Delegates, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that matter.

11.7.5 A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other matter must be taken at such time before the close of the meeting as the Chairperson may direct.

11.7.6 If a meeting of the Council is held in person then Delegates who are unable to be present in person are entitled to attend and participate by electronic means.

11.7.7 A vote may not be made on behalf of a Delegate who does not attend the meeting unless an alternate Delegate has been appointed in accordance with clause 11.4.3 and the bylaws.

11.9. Delegations of Authority by the Council

11.9.1 The Council may by resolution delegate the right to perform any of its functions or exercise any of its powers, other than this power of delegation and its responsibilities under the Act.

11.9.2 Any delegation of authority by the Council:

- (a) May be revoked at any time by a resolution of the Council;
- (b) Shall not limit or fetter the performance of any function or the exercise of any power of the Council, even if that function or power is within the terms of the delegation; and
- (c) Shall not relieve the Council of its responsibility for the proper performance of delegated functions.

12 OFFICERS OF BUSHWALKING AUSTRALIA

12.1. Election and eligibility.

The Officers of BAI shall be elected at the Annual General Meeting and shall include:

- (a) President (D)
- (b) Secretary (A)
- (c) Treasurer (A)
- (d) Vice President (D)
- (e) Insurance Officer(A)
- (f) Other Officers recommended by the Council and agreed by the meeting

12.1.2 Only Delegates may hold the positions marked (D). The Council may appoint co-opted Members to the positions marked (A).

12.1.3 The duties of Officers and their specific responsibilities are set out in clauses 12.2.1 to 12.2.5

12.1.4 No Delegate may simultaneously hold more than one Officer position.

12.1.5 If at any election there are not sufficient nominations to fill all Officer positions the unfilled position shall be deemed to have become vacant immediately after the conclusion of that Annual General Meeting.

12.1.6 No one Delegate shall hold the same Officer position for more than three (3) successive years, unless there are no other candidates for the position.

12.1.7 Where a Delegate has served as an Officer for four (4) successive years in any position that Delegate shall not be re-nominated for election as an Officer unless there are no other candidates.

12.1.8 Where an officer is temporarily absent or otherwise unable to fulfil their duties, the Council may appoint another member of council to act in that position.

12.1.9 In the event of an Officer position remaining vacant, any Delegate can be authorized by Council to act in that position until an appointment pursuant to these rules can be made.

12.2. Responsibilities of Officers

12.2.1 The President is responsible for:

- (a) Representing the Association in external matters.
- (b) Presiding at meetings of the Council and at General meetings.
- (c) Other functions as agreed by the Council.

12.2.2 The Secretary is responsible for:

- (a) Ensuring that the records of BAI are effectively maintained.
- (b) Preparation of the minutes of all general meetings/council meetings.
- (c) Maintaining a register of members.
- (d) Other functions as agreed by the Council.

12.2.3 The Treasurer is responsible for:

- (a) Collection and safe custody of all monies and accurately maintaining the financial records of the BAI.
- (b) Ensuring at the end of the financial year the annual accounts comprising balance sheet and income and expenditure statement are prepared in a manner such that they may be presented to the auditor with minimum delay. Audited accounts shall be available to the members no less than fourteen days (14) before the date of the annual general meeting.
- (c) Reporting to the Council at an interval agreed by the council on the financial transactions and financial position of BAI.
- (d) Other functions as agreed by the Council.

12.2.4 The Vice President is responsible for:

- (a) Performing the duties of President during his or her absence or incapacity.
- (b) Other functions as agreed by the Council.

12.2.5 Council shall make By-laws in regard to the duties of Officers appointed pursuant to Rule 12.2.

12.3. Term of Office

Each Officer shall hold office from the Annual General Meeting at which he is elected until the next Annual General Meeting.

12.4. Resignation

12.4.1 An Officer may resign from his or her position by notice in writing to the Secretary or President.

12.4.2 An Officer shall be deemed to have resigned if he or she:

- (a) Dies.
- (b) Is dealt with under the Mental Health legislation of any State or Territory of the Commonwealth of Australia.
- (c) Is absent or is unable to be contacted for more than fourteen days without leave of absence from the Council.
- (d) Is dismissed, suspended or removed from office in accordance with rule 21.

12.5. Casual Vacancies

In the event that an Officer position becomes vacant, the secretary (or in his or her absence the president or other officer) shall forthwith advise all Delegates, any other members of Council and all Member Associations of the said vacancy, together with a closing date for nominations and the date of the next Council meeting.

13. COMMITTEES OF COUNCIL

13.1. The Council may, at any time, establish a committee or working group to carry out specific tasks on behalf of the BAI and recommend actions to the Council. The Council shall record in a resolution and the secretary shall maintain a record of the Convener and the terms of reference of each committee.

13.2. The convener of the sub-committee shall at least annually, or more frequently if so directed by the Council, provide a written report to the Council of the work undertaken by sub-committee.

13.3. The sub-committee members shall among themselves agree as to the manner and frequency of their meetings and generally as to the manner of the operation of the subcommittee.

13.4. All sub committees shall keep written records of their deliberations.

14. DELEGATES TO OTHER BODIES

The Council may appoint Members of the Council to represent it on any other external body.

15. PUBLIC OFFICER

15.1. The Council shall, in accordance with the Act, appoint a person to be the Public Officer of BAI, and if that office at any time becomes vacant for any reason the Council shall within fourteen days of the office becoming vacant, appoint a person to fill the vacancy.

15.2. The Public Officer shall, within fourteen days after his or her appointment, give notice in writing to the Registrar of Incorporated Associations in the state in which BAI is registered of his or her appointment and of his or her full name and address.

15.3. If the Public Officer changes his or her address he or she shall, within fourteen days after the change, give notice of the change in writing to the Registrar of Incorporated Associations in the state in which BAI is registered.

16. FINANCIAL MANAGEMENT

16.1. The Association shall maintain an account or accounts with a bank to be selected by the Council.

16.2. Keep correct accounts and books showing the financial affairs of BAI with full details of all receipts and expenditure connected with the activities of BAI.

16.3. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two Officers of BAI.

16.4. The funds of BAI shall be derived from joining fees (if applicable), annual subscriptions, donations and such other sources as the Council determines.

16.5. The Council shall establish By-laws regarding the receipt and banking of moneys received, the form and method of presentation of the accounts, and the preparation and approval of budgets.

17. FINANCIAL YEAR

The financial year of BAI shall commence from 1 October each year, or from such other date as determined by the Council.

18. AUDIT

18.1. Following the end of the financial year, the Council shall:

(a) Cause the financial affairs of BAI to be audited by a person who is not a member of the Council and who is not the Public Officer of BAI.

(b) Cause the audited statement of accounts to be presented to the Annual General Meeting; and

(c) Lodge with the Registration Authority such documents as required by the Act and within the time specified by the Act.

19. INSURANCE

Bushwalking Australia shall maintain:

- (a) Insurance policies as required by the Act.
- (b) Such additional insurance policies determined by the Council as appropriate.

20. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS, OFFICERS OR DELEGATES

20.1. Subject to these Rules, if the Council is of the opinion that Member an Officer, Delegate or has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a Member or prejudicial to the interests of BAI or has not paid their annual subscription within 5 months of the date when payment was due, the Council may by resolution:

- (a) Expel that person or Member or
- (b) Suspend that person or Member from membership of BAI for a specified period.

20.2. A resolution of the Council under clause 21.1 does not take effect unless:

- (a) At a meeting held in accordance with clause 21.3 the Council confirms the resolution; and
- (b) If the Member exercises a right of appeal to BAI under this rule, BAI confirms the resolution in accordance with this rule.

20.3. A meeting of the Council to confirm or revoke a resolution passed under clause 21.1 must be held not earlier than fourteen days, and not later than twenty-eight days, after notice has been given to the Member in accordance with clause 21.4.

20.4. For the purposes of giving notice in accordance with clause 21.3 the Secretary must, as soon as practicable, cause to be given to the Member a written notice:

- (a) Setting out the resolution of the Council and the grounds on which it is based; and
- (b) Stating that the Member, or their representative, may address the Council at a meeting to be held not earlier than fourteen days and not later than twenty-eight days after the notice has been given to that person or Member; and
- (c) Stating the date, place and time of that meeting; and
- (d) Informing the person or Member that they may do one or both of the following:
 - (i) Attend that meeting;
 - (ii) Give to the Council, before the date of that meeting a written statement seeking the revocation of the resolution.
- (e) Informing the person or Member that, if at that meeting, the Council confirms the resolution, they may, not later than forty-eight hours after that meeting, give the Secretary a notice to the effect that they wish to appeal to BAI, in a general meeting against the resolution of the Council.

20.5. At a meeting of the Council to confirm or revoke a resolution passed under clause 21.1 the Council must:

- (a) Give the person or Member, or their representative, an opportunity to be heard; and
- (b) Give due consideration to any written statement submitted by the person or Member; and
- (c) Determine by resolution whether to confirm or to revoke the resolution.

20.6. If at the meeting of the Council, the Council confirms the resolution, the person or Member may, not later than forty-eight hours after that meeting, give the Secretary a notice to the effect that they wish to appeal BAI in general meeting against the resolution.

20.7. If the Secretary receives a notice under clause 21.6 he or she must notify the Council and the Council must convene a general meeting of BAI to be held within twenty-one days after the date on which the Secretary received the notice.

20.8. At a general meeting of BAI convened under clause 21.7:

- (a) No business other than the question of the appeal may be conducted; and

- (b) The Council may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
- (c) The person or Member, or their representative, must be given an opportunity to be heard; and
- (d) The Members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.

20.9. A resolution is confirmed if, at the general meeting, not less than two-thirds of the Members vote, in favour of the resolution. In any other case, the resolution is revoked.

21. PROHIBITIONS AGAINST SECURING PROFITS FOR MEMBERS

The assets and income of BAI shall be applied exclusively to the promotion of its objects and no portion shall be paid or distributed directly or indirectly to delegates, members or their associates except as bona fide remuneration for services rendered or expenses incurred on behalf of the association.

22. PECUNIARY INTERESTS

22.1. A Delegate or Officer who has a pecuniary interest in any contract or arrangement made or proposed to be made with BAI shall disclose that interest at the first meeting of the Council at which the contract or arrangement is first taken into consideration or at the first Council Meeting after acquisition of the interest.

22.2. Any person who has an interest as referred to in clause 23.1 shall abstain in any vote relating to the interest, contract or arrangement.

23. NOTICES

Any notice required to be given under these Rules or the By-laws shall, unless these Rules or the By-laws otherwise require be sufficiently given if:

- (a) It is sent by ordinary post to the last known address of the person or Member to be served; or
- (b) It is sent by electronic mail to the last known electronic mail address of the person or Member to be served.

24. WINDING-UP

24.1 A motion for the winding-up or dissolution of BAI shall be dealt with in the same way as a matter for alteration of the Rules except that such a motion shall require not less than a ninety percent majority of the votes cast to be carried.

24.2 In the event of a winding-up, such assets of BAI as may remain after satisfaction of all debts and liabilities shall be given to such organisations which have rules which prohibit the distribution of their assets and income to their members and which, so far as practicable have objects similar to those of BAI, as may be chosen:

- (a) At the final meeting of BAI; or
- (b) In default thereof by the person winding-up BAI or
- (c) By a Judge of the Supreme Court in the state of registration.

25. CUSTODY AND INSPECTION OF BOOKS AND RECORDS

25.1. Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.

25.2. Subject to the Association's privacy policy and bylaws relating to the custody of personal information all accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any Member upon request and that Member may make a copy of such documents.

26. DISPUTES AND MEDIATION

26.1. The grievance procedure set out in this rule applies to disputes under these rules between:

- (a) An Officer, Delegate or Member and another Officer Delegate or Member;
- or

(b) An Officer, Delegate or Member and BAI.

26.2. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen days after the dispute comes to the attention of all of the parties.

26.3. 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 ten days, hold a meeting in the presence of a mediator.

26.4. The mediator must be:

(a) A person chosen by agreement between the parties; or

(b) In the absence of agreement:

(i) In the case of a dispute between an Officer, Delegate or Member and another Officer, Delegate or Member, a person appointed by the Council of BAI; or

(ii) In the case of a dispute between an Officer, Delegate or Member and the Association, a person who is a mediator appointed or employed by a State Dispute Settlement Centre.

26.5. A Member of a Member of BAI can be a mediator.

26.6. The mediator cannot be a person who is a party to the dispute.

26.7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

26.8. The mediator, in conducting the mediation, must:

(a) Give the parties to the mediation process every opportunity to be heard; and

(b) Allow due consideration by all parties of any written statement submitted by any party;
and

(c) Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

26.9. The mediator must not determine the dispute.

26.10. 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.
