

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

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**THE ALBANY ORCHID SOCIETY INC.**

FOUNDED 1981

**THE CONSTITUTION  
OF THE  
ALBANY ORCHID SOCIETY INC.**

Associations Incorporation Act 2015

REVISED 25/11/2018

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ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

RULE	CONTENTS	PAGE
1	Name of the Society	5
2	Objectives	5
3	Powers	5
4	Membership	5
5	Commercial Growers	6
6	Classes of Membership	6
7	Honorary Member/Life Member	6
8	Ceasing to be a Member	6
9	Suspension or Expulsion	7
10	Subscriptions	7
11	Unfinancial Members	7
12	Status of Office Bearers	8
13	Office Bearers	8
14	The Management Committee	8
15	Casual Vacancy	9
16	Election of Office Bearers	9
17	Duties of Office Bearers	9-11
18	Auditor	11
19	Committee Meetings	11
20	Attendance at Committee Meetings	11
21	Retirement of Office Bearers	11
22	General Meetings	11
23	Annual General Meeting	12
24	Special Meetings	12
25	Voting	12
26	Returning Officer and Scrutineers	12
27	Quorums	12
28	Financial Year	13
29	Bank Account	13
30	Inspection of Books and Documents	13
31	Property	13
32	Common Seal	13
33	Dispute Resolution	13
34	Alteration to the Constitution	14
35	Redrafting of Constitution	14
36	Reprint of Constitution	14
37	Dissolution	15
38	By-Laws	15
	List of By-Laws	16/17

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

**CONSTITUTION OF
THE ALBANY ORCHID SOCIETY INC.
FOUNDED - 1981**

Definition of Terms used

In these rules, unless the contrary intention appears —

Act means the *Associations Incorporation Act 2015*;

Junior member means a member who is under 15 years of age.

Society means the incorporated association to which these rules apply;

books, of the Society, includes the following —

- (a) a register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

by laws means by-laws made by the Society under rule 39;

President means the Committee member holding office as the president / chairperson of the Society;

Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act;

committee means the management committee of the Society;

committee meeting means a meeting of the committee;

committee member means a member of the committee;

delegate member means an elected honorary member who can represent the Society at bodies such as Orchids WA and other similar bodies.

financial records include —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain —

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

- (i) the methods by which financial statements are prepared; and
- (ii) adjustments to be made in preparing financial statements;

financial statements mean the financial statements in relation to the Society required under Part 5 Division 3 of the Act;

financial year, of the Society, has the meaning given in rule 28;

general meeting, of the Society, means a meeting of the Society that all members are entitled to receive notice of and to attend;

member means a person who is an ordinary member or a junior member of the Society;

hobby grower means a person who grows and promotes orchid growing as a pastime or leisure activity for personal enjoyment and satisfaction. A hobby grower gifts their orchids or sells their orchids for the cost of materials or perhaps at a small profit to help finance their hobby.

commercial grower means a person who grows and sells orchids with the main intention, purpose or prospect of making a profit.

ordinary committee member means a committee member who is not an office holder of the Society.

ordinary member means a member referred to in Rule 4

register of members means the register of members referred to in section 53 of the Act;

rules mean these rules of the Society, as in force for the time being;

secretary means the committee member holding office as the secretary of the Society;

special general meeting means a general meeting of the Society other than a monthly general meeting or the annual general meeting;

special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

subcommittee means a subcommittee appointed by the committee.

treasurer means the committee member holding office as the treasurer of the Society.

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

1. NAME:

The Society shall be “THE ALBANY ORCHID SOCIETY INC.”

2. OBJECTIVES:

The objectives of the Society shall be:

- (a) To advance, encourage, foster and promote interest in the culture of orchids by hobby growers.
- (b) To hold shows and displays of orchids and frame by-laws or regulations for the holding of such shows and displays.
- (c) To donate or distribute prize money, special prizes and trophies for orchid shows, whether held or conducted by the Society or by any other organisation associated with any form of horticulture.
- (d) The income and property of the Society shall be applied towards the promotion of the objectives of the Society. No portion of the income or property shall be paid, transferred or distributed directly or indirectly to the members of the Society, provided that nothing shall prevent the payment in good faith, of remuneration to any officer or employee of the Society, or to pay any person, other than a member, in return for services rendered to the Society.

3. POWERS:

- (a) To affiliate with kindred organisations as deemed necessary.
- (b) To levy subscriptions and/or fees for membership.
- (c) To make rules for the governing of the Society’s domestic affairs.
- (d) To do all other lawful things as are incidental to/or conducive to the attainment of the above objectives.

4. MEMBERSHIP:

Applicants may become members by submitting an application to the Committee on the application form, paying the prescribed fee, and accepting the Constitution, by-laws and rules of the Albany Orchid Society Inc. They shall not cause discredit to the Albany Orchid Society Inc and shall at all times conduct themselves in a manner befitting the above Society.

The application will be considered by the Committee at its next meeting and the applicant will be notified of the outcome by mail, provided with a copy of the constitution, when the membership commences and when the next financial period commences. Should the application be unsuccessful the fee will be returned. Members under the age of 15 shall be considered as junior members and as such will not be entitled to vote.

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

5. COMMERCIAL GROWERS:

- (a) A Commercial Grower shall not be entitled to be a member of the Society.
- (b) No commercial activity, by a person or company, judged by the Committee to be a “Commercial Grower”, will be permitted at any meeting, show or display under the control of the Society, unless specific approval to do so act is granted by the Committee at a formal meeting.
- (c) A card and a catalogue may only be placed on the Secretary’s table, or if convenient, a suitable position allocated by the Committee. However, the Secretary shall be allowed to hold cards or catalogues belonging to commercial growers for distribution to members on request.

6. CLASSES OF MEMBERSHIP

The Society shall have members in the following classes: -

- (a) Ordinary Member, 15 years old or above.
- (b) Junior Member, under 15 years old.
- (c) Honorary Member (including Patron and Delegate)
- (d) Life Member

7. HONORARY MEMBER / LIFE MEMBER:

- (a) The members may, at a properly constituted General Meeting or Special General Meeting, on the recommendation of the Committee, with a 75% majority vote, confer Life Membership in recognition of at least 10 years meritorious services, rendered to the Society, or in special circumstances the Committee at a special meeting, can discuss the possibility of a member, who has given exceptional service for a lesser period. Not more than 10% of the membership of the Society shall hold Life Membership at any one time.
- (b) The Committee may grant Honorary Membership to persons not being members of the Society, in recognition for services to orchid culture or the Society. The Honorary Membership is to be revised annually.
- (c) Honorary Members or Life Members shall receive all the privileges of subscribing members but not pay an annual subscription.

8. CEASING TO BE A MEMBER

A person ceases to be a member if

- (a) The person dies.
- (b) The person resigns from the Society by providing the Secretary with a letter of resignation.
- (c) The person becomes unfinancial.
- (d) The person is expelled from the Society.

The Secretary shall keep a record of persons who cease to be members for a period of 12

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

months from the date upon which each person ceases to be a member.

9. **SUSPENSION OR EXPULSION:**

- (a) The Committee may decide to recommend the suspension for a period of time or the expulsion of a member to a General meeting if
1. the member contravenes any of these rules, or
 2. the member acts detrimentally to the interests of the Society.

Reasons shall be given for any such suspension or expulsion and, if carried at the General meeting, the suspension or expulsion shall take effect when written notice shall have been posted by the Secretary to the member, by Certified Mail.

- (b) A member so suspended or expelled, may, within 14 days of receiving written notice of the expulsion, request, and in writing to the Secretary, refer the matter to a subsequent General Meeting of members. The Secretary, upon receiving such written request, shall place the matter on the agenda for consideration at the next General meeting and shall not preclude the suspended or expelled member from attending and be given reasonable time to address the General meeting (orally and / or in writing). The General meeting may then either affirm or vary or cancel the suspension or expulsion.
- (c) A suspended member shall lose all members rights for the period of the suspension. The Secretary shall keep a record and inform the suspended member when the period of suspension has concluded.
- (d) Any expelled member shall not be eligible to rejoin the Society.

10. **SUBSCRIPTIONS:**

Members are required to pay an Annual Subscription, which is due on the first day of March. The amount of annual subscription shall be determined by members at a properly constituted General meeting, not later than the February meeting preceding the Annual General Meeting. The current subscription will be published in by-law 2 annually. All subscriptions shall be due in advance, provided that persons who are admitted to membership after the first day of September, shall pay one half of the amount of the Annual Subscription for the unexpired portion of that financial year.

The amount of subscription for junior members (under 15 years of age) shall be one half of the annual subscription.

11. **UNFINANCIAL MEMBERS:**

- (a) Any member whose subscription is in arrears for a period of three months, shall be deemed unfinancial and shall not be entitled to any privileges. The name of any member whose subscription shall be unpaid for 3 months from the first day of the financial year may at the discretion of the Committee, be struck off the list of members.
- (b) No unfinancial member shall be allowed to speak or vote on any resolution at any

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

meeting unless invited by the Chairperson.

12. STATUS OF OFFICE BEARERS:

All Office Bearers shall be financial members of the Society and shall be elected by the members at the Annual General Meeting, in accordance with Rule 16 hereof, provided that the Patron, Auditor and Delegate need not be financial members of the Society.

13. OFFICE BEARERS:

The Office Bearers of the Society shall be: Patron, President, Vice President, Treasurer and Secretary. They shall serve for a period of up to 2 years, although the Patron may be an ongoing appointment

The Patron, who is an important person who lends their support to the Society, shall be elected from time to time at an Annual General Meeting. The Patron shall be an Honorary position, not liable for an annual subscription but otherwise enjoy all privileges of financial members of the Society.

14. THE MANAGEMENT COMMITTEE:

The "Management Committee" (hereafter referred to as the Committee) shall consist of the President, Vice President, Treasurer, Secretary, ex officio immediate past President and up to five elected members.

The Committee will have the powers to manage the affairs of the Society as set out in Rule 3 POWERS.

No member of the Committee can be reimbursed for expenses incurred in relation to attendance at any meeting of the Society. The Committee, however, may choose to reimburse the expenses of a member or delegate or non-member of the Society who incurs out of pocket expenses in representing the Society at a function recognised by the Committee as being important for the carrying out of the objectives of the Society as outlined in Rule 2.

A Committee member's term will be from his or her election at an annual general meeting until the election of Committee members at the second annual general meeting after his or her election, but he or she is eligible for re-election to membership of the Committee.

A member of the Committee shall cease to be a member if

- (a) The member becomes unfinancial.
- (b) The member is either suspended or expelled under Rule 9.
- (c) If any Office Bearer shall be absent from three (3) consecutive Committee meetings without valid reason being given, their office may, at the discretion of the Committee, be declared vacant.

The Committee may co-opt an ordinary member to fill any vacancy.

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

15. CASUAL VACANCY

In the event of a casual vacancy occurring between two Annual General Meetings, such vacancy shall be filled by the Committee and ratified at the next General Meeting of members, but the person appointed to fill such vacancy shall only remain in office for the remaining period of the term for which their predecessor was elected.

16. ELECTION OF OFFICE BEARERS:

- (a) Nominations for Office Bearers and the 5 elected committee members shall be received at the Annual General Meeting, either orally or in writing and shall be consented to by the nominees.
- (b) Should there be only sufficient nominations to fill the vacancies, the Returning Officer (elected among those attending the meeting) shall declare all nominees elected.
- (c)
 - (i) Should there be two nominations for any Office Bearer a ballot shall be taken, and the result decided on a simple majority. Where there are more than two nominations for one position the result of the ballot will be decided on a simple preference distribution.
 - (ii) Should there be more than 5 nominations for the elected committee members a preference ballot shall be held to determine the persons elected.
- (d) Should there be insufficient nominations to fill the vacancies, the Returning Officer shall declare all nominees elected and the Committee may fill the remaining vacancy or vacancies by co-option.

17. DUTIES OF OFFICE BEARERS

- (a) The President:
Shall be the Chief Executive Officer of the Society and act in this role between Committee meetings. The President's duties shall also be to preside at meetings and preserve order so that the business may be conducted in due form and propriety. Upon the Minutes being confirmed the President or Chairperson shall sign them in the presence of the meeting.
- (b) The Vice President:
Shall assist the President in carrying out his or her duties.
In the absence of the President from any meeting of members or the Committee, the Vice President or in their absence, a member of the Committee, shall be elected to the Chair.
- (c) The Secretary:
 - 1. Shall have the authority by resolution of General Meetings or Committee Meetings, to take action as directed, for and on behalf of the Society and shall at all times carry out the instructions given by such meetings.

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

2. The Secretary's duties shall be:
 - (i) To prepare agendas, convene Committee meetings, General meetings and Special General meetings and prepare and keep minutes (including the names of those members present) of these meetings electronically and in hard copy. To also maintain the safe custody of all books and records other than financial records.
 - (ii) To attend meetings, read and move the adoption of minutes and correspondence and make and keep accurate records of all business conducted at meetings.
 - (iii) To receive and answer all correspondence, keep copies of correspondence in a file (including an electronic file) and produce this file when called upon to do so.
 - (iv) To maintain an up to date register of members, an up to date copy of the Constitution and an up to date record of office holders. These records may be inspected by members upon request. Such inspections include the right to make copies of all or part of the records but not to remove the records in order to make such copies.
 - (v) The Secretary shall not pay, lend or otherwise appropriate any assets of the Society for any purpose except as authorised by resolution in accordance with the rules of the Society.
 - (vi) The Secretary shall hold the Common Seal of the Society.
- (d) The Treasurer
The Treasurer's duties shall be:
 - (i) To receive monies on behalf of the Society, issue receipts, keep an up to date copy of financial members and pay such monies as soon as possible into the Society's bank account.
 - (ii) To keep an accurate record of receipts and payments in proper form and produce them when called upon to do so. To also maintain these records for a period of up to 7 years.
 - (iii) To submit account books, receipts and bank statements to the Auditor for the annual audit and be available to answer queries if required.
 - (iv) To report to each meeting of the Committee on the finances and funds of the Society. This report to be submitted to the next General meeting.
 - (v) To peruse all accounts to be passed for payment and ensure that they have been properly authorised.

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

- (vi) At the end of the year prepare an Annual Statement, statement of funds and finances of the Society for the preceding twelve months.
- (vii) In addition to keeping the property register outlined in Rule 31, the Treasurer shall not pay, lend or otherwise appropriate any property or funds of the Society for any purpose except as authorised by resolution and in accordance with the rules of the Society.

18. AUDITOR:

An Auditor shall be appointed at each Annual General Meeting, who shall check the books of account and bank statements when required by the Committee and certify the accuracy of the Annual Statement. The auditor shall be someone with a financial background and may be a member of the Society.

19. COMMITTEE MEETINGS:

The Committee shall meet at such time as required and place as it shall decide. In the event of the President and Secretary or the Committee itself, deciding that a meeting be necessary, the Secretary shall notify all members of the Committee at least five days prior to such meeting.

20. ATTENDANCE AT COMMITTEE MEETINGS:

If any Office Bearer shall be absent from three (3) consecutive Committee meetings without valid reason being given, their office may, at the discretion of the Committee, be declared vacant as indicated in Rule 14.

21. RETIREMENT OF OFFICE BEARERS:

The President, Vice President, the Secretary, Treasurer and two (2) Committee members retiring shall have served two years or part thereof. Retiring Office bearers shall be eligible for re-election.

22. GENERAL MEETINGS:

General Meetings shall be held in Albany at such place within the City of Albany as shall be determined from time to time by a 75% majority of members at a General Meeting. Members shall be advised of a General meeting either by mail (including by e-mail) 7 days prior to the meeting date. Regular General meetings shall be held on the fourth Sunday of each month, with the exception of shows and displays etc., notice to be given at the prior General meeting and in the newsletter. When a Special Meeting or the Annual General Meeting is called, members will be notified either by mail (including by e-mail) or in the Public Notices section of an Albany newspaper, at least 7 days prior to the meeting indicating the time, place and date of such meeting which shall be in accordance with rule 24 - Special Meetings.

23. ANNUAL GENERAL MEETING:

The Annual General Meeting shall be held within 4 months of the end of the financial year (the last day of February each year, see Rule 28). Unless otherwise decided by the Committee, the Annual General Meeting shall follow the normal monthly meeting on the fourth Sunday in March. The order of business to be transacted at the Annual

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

General Meeting shall be:

- (i) Confirmation of minutes
- (ii) Annual Report of the President.
- (iii) Yearly Statement of accounts by the Treasurer.
- (iv) Annual Statement by the Auditor
- (v) Election of Office Bearers and other members of the Committee and the appointment of Auditor, Delegate and Patron.
- (vi) Adoption of annual subscription and any other business with which the meeting is competent to deal and that has been advised on the Notice of the meeting.

24. SPECIAL MEETINGS:

- (a) The President or the Secretary shall have the Authority to call special meetings of the Committee at any time to deal with urgent business.
- (b) The President, or the Vice President acting in their absence, or 20% of Members, may at any time instruct the Secretary to call a Special General Meeting of members and the Secretary on receiving such instruction shall call such meeting within one (1) month.
- (c) In the event of 20% of members requesting the Special General Meeting they shall sign and present to the Secretary a petition stating the reason for the request and the business to be discussed.

25. VOTING:

Each financial member (other than junior members) present at meetings shall be entitled to one vote. The Chairperson shall have a casting vote as well as a deliberate vote.

26. RETURNING OFFICER AND SCRUTINEERS:

The Returning Officer and two Scrutineers shall be appointed by the meeting to conduct any ballots.

27. QUORUMS:

Ten financial members shall form a quorum at a General Meeting. Five committee members constitute a quorum at all Committee meetings. In the event of a quorum not being present within half an hour of the appointed time for the start of any meeting, it shall be abandoned and another meeting may be called. If at the second meeting a quorum is not present within half an hour of the appointed time for such meeting, the business thereof shall be proceeded with.

28. FINANCIAL YEAR:

The financial year of the Society shall commence on the first day of March and end on the last day of February in each year.

29. BANK ACCOUNT:

Accounts in the name of the Society shall be opened at a Bank or Banks decided upon by the Committee and all monies received shall be banked therein. The accounts, shall be operated by the President, Secretary or Treasurer, any two of whom to sign cheques,

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

and generally operate upon the Society's bank facilities, including dealings in connection with term deposits.

30. INSPECTION OF BOOKS AND DOCUMENTS:

A member may inspect the register of members, the rules of the Society and the record of office bearers without conditions or limitations being imposed on the member and the member may make a copy or take an extract from these records but have no right to remove the records for this purpose.

31. PROPERTY:

- (a) The Treasurer shall maintain a register of all items of the property belonging to the Society and their respective values. Depreciation shall be provided in the accounts at current rates.
- (b) The Secretary shall be custodian of all Society property unless determined otherwise by the Committee.
- (c) All assets or property shall be applied solely for the promotion of the objects of the Society. No property of the Society shall be loaned or disposed of without an appropriate resolution of the Committee.

32. COMMON SEAL:

The Common Seal shall be used or affixed to any deed or other document except pursuant to a resolution of the Committee and in the presence of the Secretary and two (2) members of that Committee both of whom shall subscribe their names as witnesses.

33. DISPUTE RESOLUTION

This rule recognises that from time to time there can arise a dispute —

- (a) between members; or
- (b) between one or more members and the Society itself.

The handling of disputes should at all times focus on a resolution that respects all parties and seeks to achieve an outcome that permits the parties to move forward in the best interests of the Society.

Because experience will guide refinement of actions the full description of the process is to be found in the By-Laws.

34. ALTERATION TO THE CONSTITUTION:

Any member, group of members or the Committee may propose a new rule/s or amendment to the existing rule/s. When the Committee becomes aware of any such proposal the Secretary shall inform all members of the Society (either by mail or e-mail and through the monthly newsletter) that the proposal shall be outlined by the proposer at the next General Meeting. Once outlined to members present, no further discussion or action will follow until the following General Meeting where the proposal shall be discussed and dealt with.

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

No new rule, addition or amendment to the Constitution shall be made, unless and until carried by a 75% majority of the number of votes recorded in person, by the members at the General Meeting where it has been discussed and dealt with.

Any properly accepted addition or alteration to the constitution made under this rule shall then be incorporated into the constitution and the altered constitution shall be registered with the Department of Mines, Industry Regulation and Safety or the government department that has current responsibility for incorporated associations under the relevant act of parliament.

35. REDRAFTING OF CONSTITUTION:

Should it become necessary for the Constitution of the Society to be redrafted, the redrafting shall be carried out by a properly organised Sub-committee. Such Sub-committee shall submit the redraft to the Committee and if or when accepted, the Secretary shall inform members at a General meeting that such redraft will be presented at the next General Meeting. The Secretary shall inform all members of the Society (either by mail or e-mail and through the monthly newsletter) that the redrafted constitution will be presented and discussed at the coming General meeting.

The General meeting may recommend that the Sub-committee give further consideration to the redraft and present the outcome at the next General meeting. Should a general consensus be arrived at at this or any subsequent General meeting, a vote shall be taken. The final redrafted constitution requires a 75% or more of members present to vote for final acceptance as the redrafted Constitution of the Society. The constitution shall then be registered with the Department of Mines, Industry Regulation and Safety or the government department that has current responsibility for incorporated associations under the relevant act of parliament.

36. REPRINT OF CONSTITUTION:

Any reprint of this Constitution shall before printing be edited then checked by the Committee and if satisfactory, be signed by the President on the last page as a true and correct copy.

37. DISSOLUTION:

In the event of dissolution or winding-up of the Society by a resolution of a Special General Meeting called for such purpose, the resolution shall require a 75% majority of members present at such meeting. All debts and liabilities are to be satisfied and thereafter any property whatsoever remaining shall not go to members of the Society but shall be given to another organisation incorporated under the Act with similar objectives, determined by a meeting of the members before the dissolution or winding-up. The transfer shall be determined by any remaining Committee and certified by a Justice of the Peace.

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

38. BY-LAWS

Following a recommendation by the Committee the Society may, by resolution at a General meeting, make, amend or revoke by-laws.

I hereby certify the foregoing to be a true and correct copy of the Constitution of THE ALBANY ORCHID SOCIETY INC.



President

March 28th, 2021

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

By Laws

1 Disputes and Mediation

- 1.1 The grievance procedure set out in this by-law applies to disputes under these rules between -
 - (a) a member and another member; or
 - (b) a one or more members and the Society.
- 1.2 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.
- 1.3 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.
- 1.4 The mediator must be-
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement-

in the case of a dispute between a member and another member, a person appointed by the Committee of the Society;
 - (c) in the case of a dispute between one or more members and the Society, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 1.5 A member of the Society can be a mediator.
- 1.6 The mediator cannot be a member who is a party to the dispute.
- 1.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 1.8 The mediator, in conducting the mediation, must-
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 1.9 The mediator must not determine the dispute.

ALBANY ORCHID SOCIETY INC. CONSTITUTION AND RULES

- 1.10 The mediation must be confidential and without prejudice.
- 1.11 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.
- 2 The current annual subscription is \$20 for members, \$30 for couples and \$10 for Junior members. (Decided at the General Meeting February 23rd, 2020, moved Ron Gresswell, seconded Edna Murdoch)
3. Proceeds of Plant Sales
At General Meetings
A 10% commission of the price paid will be retained by the Society.

At Shows
A 15% commission of the price paid will be retained by the Society.
(Recommended by the Committee on 22-07-2020 and endorsed by the General Meeting on 26-07-2020, Moved Glen Diggins, Seconded Ron Panting)
4. Shed Sales
The shed is operated as a service to members and stocks items that are not always available in local hardware stores. Although not intended as a profit-making operation, a 15% mark-up on items for sale is applied to offset operating costs.

The member running the shed shall be paid a \$50 annual honorarium.
(Recommended by the Committee on 22-07-2020 and endorsed by the General Meeting on 26-07-2020, Moved Glen Diggins, Seconded Ron Panting)