

To All Goolawah Members:-

Dear Member,

Further discussion among the resident membership, and this week the board of directors, resulted in some minor changes to the rule changes proposed and published in the December Gazette for enactment at the GM in January.

Additionally, one change had been omitted altogether is now added as Change to Rule 96.

This section deals with Dispute Resolution and is a new, updated version composed by the Dept of Fair Trading. The new text was discussed at the September Community meeting it was voted unanimously to change the existing Rule 96 to the new (department's) version. This decision was re-iterated during the December meeting.

Other changes involve the addition of the words "per share" to Section 17 (in red) which deals with levies. Discussion at the aforementioned meetings resulted in this addition being made – in the interest of clarifying any possible ambiguities in respect of members holding more than one share.

The attached Proxy is intended for use by members not attending the January meeting in person. Please ensure you post well before January 20th.

Board members thank you for your attention and wish you and yours a Happy Christmas and all the best for 2018.

Special Resolution 1

That Rule 17D is to be changed as follows:

"IMPOSITION OF AN INFRASTRUCTURE FEE

17d Members are required to pay an infrastructure fee **per share** which shall....."

Sub-headings a) to d) remain unchanged.

Change from road to infrastructure, and addition of 'per share'.

Proposed: Ralph Erthel *Seconded:* Craig Singleman

Special Resolution 2

That new Rule 17E is created: -

"IMPOSITION OF A WORK LEVY

17e Members are required to pay a work levy of \$180.00 **per share** per annum with this amount to be considered by General Meetings from time to time. The levy is dischargeable by work hours contributed to the cooperative in accordance with the Approved Jobs List at a rate of \$10 per hour.

The cooperative's "Work Claims" form is to accompany claims presented at a monthly meeting."

The work levy is to be made a Rule, following advice from Bundagen community (resulting from bitter experience) that all levies must be part of the body of rules.

Proposed: Craig Singleman *Seconded:* Ralph Erthel

Special Resolution 3

Change to Rule 20 (d) No member shall hold, or have relevant interest in, more than 4 shares.

The above Rule Changes (*Special Resolutions*) have a common theme. Their purpose is to align the body of written Rules with what has been 'practice' for a considerable time.

Rationale: Bundagen's experiences from , eg., NOT having an agreed upon and long-standing levy as part of the Rules, ran to many thousands of \$\$ of legal expenses when it was challenged.

There are no changes in these proposals – they are merely a matter of dotting i's and crossing t's.

Proposed: Ralph Erthel *Seconded:* Craig Singleman

Resolution 4

Adopt the following change to our membership policy:

A member wishing to sell a share is to inform the Secretary, who will inform all members via the members' section of the website and phone tree.

Proposed: Tarrik *Seconded:* Nityama

Resolution 5 (a & b)

Adopt the following amendments to our membership policy:

(a) Prospective members meet with their membership guide, other committee person and community member at the end of their first week stay.

Rationale: An earlier meeting allows for more time for people to get info and answers to their questions (in the moment this meeting happens at the very end of the process).

Proposed: Nityama *Seconded:* Tarrik

(b) That we allow prospective members to receive info re sites for sale during the first week of their community stay.

Rationale: they want to know what is possible for their home - and they find out soon enough anyway after a few days of meeting more people.

Proposed: Tarrik *Seconded:* Nityama

Resolution 6

Adopt the following new version of Rule 96, proposed by the Dep't. Fair Trading and recommended for ratification at GM January by Community meetings September and December

(Note “# 96” stems from *Goolawah*'s numbering system – NOT the department's): -

Division 2 Dispute resolution

13 Disputes and mediation (CNL s129)

(1) The grievance procedure set out in this rule applies to disputes under these rules between:

(a) a member and another member; or

(b) a member (including a former member) and the co-operative.

(2) If a dispute arises, a party cannot commence any court or arbitration proceedings relating to the dispute unless it has complied

with the provisions of this rule, except where a person seeks urgent interlocutory relief.

(3) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days of:

(a) the dispute coming to the attention of each party; or

(b) a party giving notice, to each of the other parties involved, of the dispute or grievance.

(4) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, the parties must, as soon

as is practicable, hold a meeting in the presence of a mediator.

(5) The mediator is, where possible, to be a person chosen by agreement between the parties, but in the absence of agreement between the parties:

(a) for a dispute between a member and another member, a person appointed by the board; or

(b) for a dispute between a member (including a former member) and the co-operative, a person appointed by the Australian

Mediation Association.

(6) The mediator may (but need not) be a member of the co-operative, unless the member is a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must:

(a) give the parties to the mediation process every opportunity to be heard; 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.

- (9) The mediator cannot determine the dispute.
- (10) The **mediation** must be confidential and without prejudice.
- (11) The **costs** of the mediation are to be shared equally between the parties unless otherwise agreed.
- (12) **Nothing** in this rule applies to any dispute as to the construction or effect of any mortgage or contract contained in any document other than these rules.
- (13) **Nothing** in this rule applies to any dispute involving the expulsion or suspension of a member or the imposition of a fine.
- (14) If the **mediation** process does not result in the dispute being resolved, each party may seek to resolve the dispute in accordance with the Law or otherwise at law.

Note. Section 130 of the Law applies if mediation does not resolve the dispute