

## **Grievance procedure**

**This is only a draft document - it has not been adopted by the Gold Coast Bridge Club**

### **A. Grievance procedure**

1. This rule sets out a grievance procedure for dealing with a dispute under the club's constitution or by-laws between parties as mentioned in the club's by-laws.
2. The grievance procedure can not be used by a member
  - a. if the board has, under the clubs disciplinary powers, censured the member, suspended any rights the member has, or terminated the membership of the member, if the disciplinary process provides for an appeal process against the board's action.
  - b. In respect to a notice given under clause 50 of the club's constitution.
3. A member (the "aggrieved party") initiates the grievance procedure in relation to the dispute by giving a notice in writing of the dispute:
  - a. to the other party; and
  - b. if the other party is not the board, to the board.
4. If 2 or more members initiate a grievance procedure in relation to the same subject matter, the board may deal with the disputes in a single process and the members must choose 1 of the members (also the aggrieved party) to represent the members in the grievance procedure.
5. Subject to rule B, the parties to the dispute must, in good faith, attempt to resolve the dispute.
6. If the parties to the dispute cannot resolve the dispute within 14 days after the aggrieved party initiates the grievance procedure, the aggrieved party may, within a further 21 days, ask the club's secretary to refer the dispute to mediation.
7. Subject to rule B, if the aggrieved party asks the club's secretary to refer the dispute to mediation under subrule (6), the board must refer the dispute within 14 days after the request.

### **B. Grievance procedure not continued in particular circumstances**

1. This rule applies if—
  - a. a member initiates a grievance procedure in relation to a dispute and the club or the club's board is the other party to the dispute; or
  - b. the aggrieved party asks the club's secretary to refer the dispute to mediation under rule A(6).
2. The board does not have to act under rule A(5) or (7) if—
  - a. the aggrieved party has, within 21 days before initiating the grievance procedure, behaved in a way that would give the board grounds for taking disciplinary action under the rules against the aggrieved party in relation to the matter the subject of the grievance procedure; or
  - b. before the grievance procedure was initiated, a process had started to take action under the rules against the aggrieved party or to potentially terminate the aggrieved party's membership, as provided for under the rules, and the dispute relates to that process or to a matter relevant to that process; or

- c. the dispute could reasonably be considered frivolous, vexatious, misconceived, or lacking in substance or the dispute relates to a matter that has already been subject of the grievance procedure.

### **C Appointment of mediator**

1. If a dispute under rule A is referred to mediation-
  - a. the parties to the dispute must choose a mediator to conduct the mediation; or
  - b. if the parties are unable to agree on the appointment of a mediator within 14 days after the dispute is referred to mediation, the mediator must be-
    - i. for a dispute between a member and another member-a person appointed by the board; or
    - ii. for a dispute between a member and the board or the club-an accredited mediator or a mediator appointed by the director of the Queensland Government's dispute resolution centre.
2. An accredited mediator may refuse to be the mediator, or the director of a dispute resolution centre may refuse to appoint a mediator, to mediate the dispute.
3. If subrule (2) applies, the parties may seek to resolve the dispute in accordance with the Corporations Act or otherwise at law.

### **D Conduct of mediation**

1. If a mediator is appointed under rule A, the mediator must start the mediation as soon as possible after the appointment and try to finish the mediation within 28 days after the appointment.
2. Subrule (1) does not apply if the mediator is the director of a dispute resolution centre.
3. The mediator—
  - a. must give each party to the dispute an opportunity to be heard on the matter the subject of the dispute; and
  - b. must comply with natural justice; and
  - c. must not act as an adjudicator or arbitrator; and
  - d. during the mediation, may see the parties, with or without their representatives, together or separately.
4. The parties to the dispute must act reasonably and genuinely in the mediation and help the mediator to start and finish the mediation within the time required under subrule (1)
5. The costs of the mediation, if any, are to be shared equally between the parties unless otherwise agreed.
6. If the mediator can not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Corporations Act or otherwise at law.

### **E. Representation for grievance procedure**

1. A party to a dispute may appoint any person to act on behalf of the party in the grievance procedure.
2. If a party appoints a person under subrule (1) to be the party's representative, the party must give written notice of the appointment to each of the following entities—
  - a. the other party to the dispute;
  - b. the board;

- c. if a mediator has been appointed before the party appoints the representative—the mediator.
- 3. A representative who acts for a party at a mediation must—
  - a. have sufficient knowledge of the matter the subject of the dispute to be able to represent the party effectively; and
  - b. be authorised to negotiate an agreement for the party.

**F Electronic communication for grievance procedure**

Any meeting or mediation session required under the grievance procedure may be conducted by electronic means if the parties to the dispute and, for a mediation, the mediator agrees.