



# Constitution of the Ipswich Little Theatre Society Inc

Ipswich Little Theatre was granted a Certificate of Incorporation under the Associations Incorporation Act of 1981 on 5 February 1991.

Incorporation No: IA08454

This constitution has been amended in line with current practice and changes to the *Associations Incorporation Act 1981* (Act) which came into effect on 15 June 2007

# CONSTITUTION OF IPSWICH LITTLE THEATRE SOCIETY Inc.

## NAME

1. The name of the incorporated association shall be Ipswich Little Theatre Society Inc. (in these rules called “the Association”).

## OBJECTS

2. The objects of the Association shall be:-
  - a) To promote the development and appreciation of the cultural arts;
  - b) If so desired, to affiliate and work in conjunction with similar associations;
  - c) Not to make profits for the benefit of any institution or person but to stimulate interest in the drama and to present plays and musical productions, for their cultural and entertainment value, and not for commercial purposes;
  - d) That the income of the Association is to be devoted exclusively to promote the objects of the Association or charitable purposes;
  - e) To administer and maintain the Walter Burley Griffin Incinerator Theatre Building in terms of the lease agreement with the Ipswich City Council.

## POWERS

3. The powers of the Association are:-
  - a) The association has the powers of an individual.
  - b) The association may, for example—
    - (i) enter into contracts; and
    - (ii) acquire, hold, deal with and dispose of property; and
    - (iii) make charges for services and facilities it supplies; and
    - (iv) do other things necessary or convenient to be done in carrying out its affairs.
  - c) The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

## CLASSES OF MEMBERSHIP

4. The membership of the Association shall consist of any of the following classes of members and the numbers of each class shall be unlimited:-
  - a) Ordinary Members: Any person not less than 18 years of age shall be eligible to become an ordinary member of the Association upon payment of a membership fee and subsequent admission to the Association and will have full voting rights;
  - b) Junior Member: Any person under the age of 18 years of age shall be eligible to become a junior member upon payment of a membership fee and subsequent admission to the Association and apart from having no voting rights at any meeting of the Association, shall enjoy all other rights and privileges of ordinary members;
  - c) Honorary Member: Honorary membership may be bestowed upon any person for a period not exceeding 12 months by a 50% vote of the members present at a meeting of the Administrative Committee. An honorary member would be one who has served the Society in some capacity e.g. Patron, and from whom membership fees would not be required and, apart from having no voting

rights at any meeting of the Association, shall enjoy all other rights and privileges of ordinary members;

d) Honorary Life Membership may be bestowed upon a member of the Association for conspicuous outstanding long term service to the Association upon the nomination in writing of not fewer than 15 financial members of the Association and by a vote of not fewer than  $\frac{2}{3}$  of the members of the Administrative Committee. Membership fees would not be required but honorary life members will have full voting rights at any meeting of the Association, and shall enjoy all other rights and privileges of ordinary members.

### **MEMBERSHIP**

5. a) Every application for membership shall be made in writing signed by the applicant and submitted to the Administrative Committee.
- b) Only members of the Association shall be entitled to hold office or participate in productions of the Association.

### **MEMBERSHIP FEES**

6. a) The membership fees for each class of membership shall be such sum as the members of the Administrative Committee so determine.
- b) The membership fees for each class of membership shall be payable at such time and in such manner as the Administrative Committee shall from time to time determine.

### **ADMISSION AND REJECTION OF MEMBERS**

7. a) At the next meeting of the Administrative Committee after the receipt of any application and the fee applicable for any class of membership, such application shall be considered by the Administrative Committee, who shall thereupon determine upon the admission or rejection of the applicant.
- b) Any applicant who receives a majority of the votes of the members of the Administrative Committee present at the meeting at which the application is being considered shall be accepted as a member to the class of membership applied for.
- c) Upon the acceptance or rejection of an application for any class of membership the committee shall forthwith give the applicant notice in writing of such acceptance or rejection.

### **TERMINATION OF MEMBERSHIP**

8. a) A member may resign from the Association at any time by giving notice in writing to the Secretary. Such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice, when it shall take effect on that later date.
- b) If a member:-
  - (i) is convicted of an indictable offence;
  - (ii) fails to comply with any of the provisions of these rules;
  - (iii) has membership fees in arrears for a period of 2 months or more;
  - (iv) conducts himself/herself in a manner considered to injurious or prejudicial to the character or interests of the Association,the Administrative Committee shall consider whether his/her membership shall be terminated.

c) The member concerned shall be given a full and fair opportunity of presenting his/her case and if the Administrative Committee resolves to terminate his/her membership it shall instruct the Secretary to advise the member in writing accordingly.

#### **APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP**

9. a) A person whose application for membership has been rejected or whose membership has been terminated may within 1 month of receiving notification thereof, lodge with the Secretary written notice of his/her intention to appeal against the decision of the Administrative Committee.
- b) Upon receipt of a notification of intention to appeal against rejection or termination of membership the Secretary shall convene, within 3 months of the date of receipt by him/her of such notice, a general meeting to determine the appeal. At any such meeting the applicant shall be given the opportunity to fully present his/her case and the Administrative Committee or those members thereof who rejected the application for membership or terminated the membership subsequently, shall likewise have the opportunity of presenting their case. The appeal shall be determined by the vote of the members present at such meeting.
- c) Where a person whose application is rejected, does not appeal against the decision of the Administrative Committee within the time prescribed by these rules or so appeals but the appeal is unsuccessful, the Secretary shall forthwith refund the amount of any fee paid.

#### **REGISTER OF MEMBERS**

10. a) The Administrative Committee shall cause a register to be kept in which shall be entered the name and residential addresses of all persons admitted to membership of the Association and the dates of their admission.
- b) Particulars shall also be entered into the register of deaths, resignations, terminations and reinstatements of membership and any further particulars as the Administrative Committee or the members at any general meeting may require.
- c) The register shall be open for inspection at all reasonable times by any member who previously applies to the Secretary for such inspection.

#### **MEMBERSHIP OF ADMINISTRATIVE COMMITTEE**

11. a) The Administrative Committee of the Association shall consist of a President, Secretary, Treasurer and such other members as set by a General Meeting.
- b) The most recent former president available to accept office shall be Past President.
- c) At the Annual General Meeting of the Association, all the members of the Administrative Committee for the time being shall retire from office, but shall be eligible upon nomination for re-election.
- d) The election of the officers and other members of the Administrative Committee shall take place in the following manner:-
- i) Any 2 Ordinary or Honorary Life members of the Association shall be at liberty to nominate any other member to serve as an officer or other Ordinary or Honorary Life member of the Administrative Committee;
- ii) The nomination, which shall be in writing and signed by the member and his/her proposer and seconder, shall be lodged with the Secretary at least 48 hours before the Annual General Meeting at which the election is to take place;

- iii) Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order, and each member present at the annual general meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies;
  - iv) Should, at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.
- 12. Any member of the Administrative Committee may resign from membership of the Administrative Committee at any time by giving notice in writing to the Secretary (or in the event of his/her resignation, the President) but such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date. A member of the Administrative Committee may be removed from office at a general meeting of the Association where that member shall be given the opportunity to fully present his/her case. The question of removal shall be determined by the vote of the members present at such general meeting.

#### **VACANCIES ON ADMINISTRATIVE COMMITTEE**

- 13.
  - a) The Administrative Committee shall have the power at any time to appoint any Ordinary or Honorary Life member of the Association to fill any casual vacancy on the Administrative Committee until the next general meeting.
  - b) The continuing members of the Administrative Committee may act notwithstanding any casual vacancy in the Administrative Committee, but if and so long as their number is reduced below the number fixed by or pursuant to these Rules as the necessary quorum of the Administrative Committee, the continuing member or members may act for the purpose of increasing the number of members of the Administrative Committee to that number or of summoning a general meeting of the Association, but for no other purpose.

#### **FUNCTION OF THE ADMINISTRATIVE COMMITTEE**

- 14.
  - a) Except as otherwise provided by these Rules and subject to resolutions of the members of the Association carried at any general meeting, the Administrative Committee shall have:-
    - i) the general control and management of the administration of the affairs, property and funds of the Association;
    - ii) the oversight of sub-committees and members appointed to carry out specified tasks including ensuring that all relevant statutes and by-laws of the Association are observed;
    - iii) authority to interpret the meaning of these Rules and any matter relating to the Association on which these Rules are silent.
  - b) The Administrative Committee may exercise all the powers of the Association to borrow or raise or secure the payment of money in such manner as the members of the Association may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures, charged upon all or any of the Association's property, both present and future, and to purchase, redeem or pay off any such securities;
  - c) To invest in such manner as the members of the Association may determine.

## **MEETINGS OF THE ADMINISTRATIVE COMMITTEE**

15. a) The Administrative Committee shall meet on a regular day each month, such date to be determined at the Annual General Meeting.
- b) A special meeting of the Administrative Committee shall be convened by the Secretary on the requisition in writing signed by not fewer than  $\frac{1}{3}$  of the members of the Administrative Committee, which requisition shall clearly state the reasons why such special meeting is being convened and the nature of the business to be transacted thereat.
- c) At every meeting of the Administrative Committee a simple majority of a number equal to the number of members elected and/or appointed to the Administrative Committee as at the close of the last general meeting of the members, shall constitute a quorum. Any member so elected or appointed who is also an ex-officio member shall be entitled to one vote only.
- d.) Subject as previously provided in this rule, the Administrative Committee may meet together and regulate its proceedings as it thinks fit: Provided that motions arising at any meeting of the Administrative Committee shall be decided by a majority of votes and, in the case of equality of votes, the motion shall be deemed to be lost.
- e) A member of the Administrative Committee shall not vote in respect of any contract or proposed contract with the Association in which he/she is interacted, or any matter arising thereout, and if he/she does so vote his/her vote shall not be counted.
- f) Any member absent from three consecutive meetings of the Administrative Committee without apology or explanation, may be asked, at the discretion of the Committee, to show cause why he/she should continue as a member of the Committee.
- g) Not less than fourteen days notice shall be given by the Secretary to members of the Administrative Committee of any special meeting of the Administrative Committee. Such notice shall clearly state the nature of the business to be discussed thereat.
- h) The President shall preside as Chairperson at every meeting of the Administrative Committee or if there is no President, or if at any meeting he/she is not present within 10 minutes after the time appointed for holding the meeting, the Vice-President shall be Chairperson or if the Vice-President is not present at the meeting then the members may choose one of their number to be Chairperson of the meeting.
- i) If within  $\frac{1}{2}$  an hour from the time appointed for the commencement of the Administrative Committee meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Administrative Committee, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other place as the Administrative Committee may determine, and if at the adjourned meeting a quorum is not present within  $\frac{1}{2}$  an hour from the time appointed for the meeting, the meeting shall lapse.
- j) In the event of a decision being required sooner than a special meeting of the Administrative Committee can be arranged, the Executive shall be empowered to make decisions consistent with previous resolutions of the Committee.

## **SUB-COMMITTEES**

16. a) The Administrative Committee may delegate any of its powers to a member or a sub-committee consisting of such members of the Association as the Administrative Committee thinks fit. Any member or sub-committee so appointed shall in the exercise of the powers so delegated, conform to any position descriptions, duty statements or regulations that may be imposed by the Administrative

Committee. Copies of such descriptions, statements or regulations shall be given to and receipted by the member or sub-committee upon appointment and will be available for inspection from the Secretary at any reasonable time for which notice is given.

b) A sub-committee may elect a Chairperson of its meeting. If no such Chairperson is elected, or if at any meeting the Chairperson is not present within 10 minutes after the time appointed for holding the meeting, the members present may choose one of their number to be Chairperson of the meeting.

c) A sub-committee may meet and adjourn as it thinks proper. Motions arising at any meeting shall be determined by a majority of votes of the members present and, in the case of an equality of the votes, the Motion shall be deemed to be lost.

17. All acts done by any meeting of the Administrative Committee or of a sub-committee or by any person acting as a member of the Administrative Committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the Administrative Committee or persons acting as aforesaid, or that the members of the Administrative Committee or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the Administrative Committee.
18. a) Building Committee is responsible for maintenance, repair, alteration and improvements to the grounds and buildings controlled by the Association and shall comprise of the President, Treasurer and 6 other members of the Association, to be elected by the Annual General Meeting of the Association or at a special general meeting convened for that purpose and 2 of whom shall retire each year by rotation, but shall be eligible for re-election. In the event of the President and/or Treasurer already being a member of the Building Committee, the Annual General Meeting shall elect additional member/s; such member/s are to retire at the next annual general meeting.  
  
b) b) All proposed alterations to the Walter Burley Griffin Incinerator and its site must comply with the legislative requirements of state and local governments embodied in Heritage acts.
19. For the purpose of selecting plays and players for productions of the Association, the Annual General Meeting shall elect a Selection Committee of six members, three of whom shall retire each year by rotation, but shall be eligible for re-election. The Selection Committee shall appoint the director for each production. In the event of a disagreement between the members of the Selection Committee or between the director and the Selection Committee, the problem shall be referred to the Administrative Committee whose decision shall be final.

#### **GENERAL MEETINGS**

20. The Annual General Meeting shall be held within six months of the close of the Association's financial year.
21. The business to be transacted at every Annual General Meeting shall be:-
  - a) the receiving of the Administrative Committee's report and the statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the association for the financial year;
  - b) the receiving of the auditor's report upon the books and accounts for the financial year;
  - c) the election of members of the Administrative Committee;
  - d) appointments to vacancies on Building Committee; and
  - e) the appointment of an auditor.

22. The Secretary shall convene a special general meeting:-

- a) when directed to do so by the Administrative Committee;
- b) on the requisition in writing signed by not fewer than  $\frac{1}{3}$  of the members currently on the Administrative Committee or not fewer than twenty ordinary members of the Association. Such requisition shall clearly state the reasons why such special general meeting is being convened and the nature of the business to be transacted thereat;
- c) on being given a notice in writing of an intention to appeal against the decision of the Administrative Committee to reject an application for membership or to terminate the membership of any person.

23. a) At any general meeting (including the Annual General Meeting) the number of members required to constitute a quorum shall be the number of members of the Administration Committee plus one.

b) No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business.

c) If within  $\frac{1}{2}$  an hour from the time appointed for the commencement of the general meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Administrative Committee or the Association shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other place as the Administrative Committee may determine, and if at the adjourned meeting a quorum is not present within  $\frac{1}{2}$  hour from the time appointed for the meeting, the members present shall be a quorum.

d) The Chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

24. a) The Secretary shall convene all general meetings of the Association by giving not less than 14 days notice of any such meetings to the members of the Association.

b) The manner by which such notice shall be given shall be determined by the Administrative Committee: Provided that notice of any meeting convened for the purpose of hearing and determining the appeal of a member against the rejection or termination of his/her membership by the Administrative Committee, shall be given in writing. Notice of a general meeting shall clearly state the nature of the business to be discussed thereat.

25. Unless otherwise provided by these Rules, at every general meeting (including the Annual General Meeting):-

a) The President shall preside as Chairperson, or if there is no President, or if he/she is not present within 15 minutes after the time appointed for the holding of the meeting, or is unwilling to act, the Vice-President shall be Chairperson or if the Vice-President is not present or is unwilling to act then the members present shall elect one of their number to be Chairperson of the meeting.

b) The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner.



c) Every question, matter or notice of motion shall be decided by a majority of votes of the members present.

d) Every member present shall be entitled to 1 vote and in the case of an equality of votes the motion shall be deemed to be lost: Provided that no member shall be entitled to vote at any general meeting if his/her annual subscription is more than 1 month in arrears at the date of the meeting.

e) Voting shall be by show of hands, unless not fewer than  $\frac{1}{5}$  of the members present demand a ballot, in which event there shall be a secret ballot. The Chairperson shall appoint 2 members to conduct the secret ballot in such manner as he/she shall determine and the result of the ballot as declared by the Chairperson shall be deemed to be the resolution of the meeting at which the ballot was demanded.

### **BY-LAWS**

26. The Administrative Committee may amend or repeal by-laws, not inconsistent with these Rules, for the internal management of the Association and any by-law may be set aside by a general meeting of members.

### **ALTERATION OF CONSTITUTION**

27. Subject to the Associations Incorporation Act 1981, these rules may be amended, repealed or added to by a special resolution carried at a general meeting: However, an amendment, repeal or addition is valid only if it is registered by the chief executive administering the Act.  
Not less than fourteen days notice of a special motion shall be given in writing to members.

### **COMMON SEAL**

28. The Administrative Committee shall provide for a Common Seal and for its safe custody. The Common Seal shall only be used by the authority of the Administrative Committee and every instrument to which the seal is affixed shall be signed by a member of the Administrative Committee and shall be countersigned by the Secretary or by a second member of the Administrative Committee or some other person appointed by the Administrative Committee for the purpose.

### **FUNDS AND ACCOUNTS**

29. a) The funds of the Association shall be deposited in the name of the Association in such financial institution as the Administrative Committee may direct.
- b) Proper books and accounts shall be kept showing correctly the financial affairs of the Association and the particulars usually shown in books of a like nature.
- c) All monies shall be banked as soon as practicable after receipt thereof.
- d) All amounts of \$100 or over shall be paid by cheque or electronic transfer signed by any two (2) of the President, Secretary, Treasurer or other member authorised by the Administrative Committee.
- e) Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recoupments which may be open.
- f) The Administrative Committee shall determine the amount of petty cash which shall be kept on the imprest system.
- g) All expenditure shall be approved or ratified at an Administrative Committee meeting.

h) As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared a statement containing particulars of:-

- i) the income and expenditure for the financial year just ended;
- ii) the assets and liabilities and of all mortgages, charges and securities affecting the property of the Association at the close of that year .

i) All such statements shall be examined by the auditor who shall present his/her report upon such audit to the Secretary prior to the holding of the Annual General Meeting next following the financial year in respect of which such audit was made.

j) The income and property of the Association whence soever derived shall be used and applied solely in promotion of its objects and in the exercise of its power as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by them to the Association or otherwise owing by the Association to them or remuneration to any officer, servant or member of the Association or any other person in return for any services actually rendered to the Association provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association.

### **DOCUMENTS**

30. The Administrative Committee shall provide for the safe custody of books, documents, instruments of title and securities of the Association.

### **FINANCIAL YEAR**

31. The financial year of the Association shall close on 31 October in each year.

### **DISTRIBUTION OF SURPLUS ASSETS**

32. If the Association shall be wound up in accordance with the provisions of the Associations Incorporation Act 1981, and there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association, but shall be given or transferred to some other institution having objects similar to the objects of the Association, and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Association under or by virtue of rule 29(j), such institution or institutions to be determined by the members of the Association.

## **Additional Information**

Because of the work involved a number of things have been updated in Constitutions for Incorporated Associations which have not required the rigorous rewriting of the Constitution.

For example,

Matters in relation to the payment of accounts (See Funds and Accounts)

The payment by cheque, two to sign etc has all been superseded by electronic banking though it is not dissimilar because two people do have to sign off on any transaction.

There are other conditions which have also changed over the years. Where this has affected us in any way, there has always been direct consultation with the Office of Fair Trade. The advice is consistently to act within the by-laws we impose (as per the Constitution).

In July 2024, the compulsory Grievance Policy was automatically inserted into the constitutions of any incorporated group on request without the requirement of the submission of an amendment to the rules.

## **Model rules grievance procedure**

### **12A Grievance procedure**

1. This rule sets out a grievance procedure for dealing with a dispute under the rules between parties as mentioned in section 47A(1) of the Act.
2. To remove any doubt, it is declared that the grievance procedure can not be used by a person whose membership has been terminated if the rules provide for an appeal process against termination.
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 management committee, to the management committee.
4. If 2 or more members initiate a grievance procedure in relation to the same subject matter, the management committee 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 12B, 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 association's secretary to refer the dispute to mediation.
7. Subject to rule 12B, if the aggrieved party asks the association's secretary to refer the dispute to mediation under subrule (6), the management committee must refer the dispute within 14 days after the request.

### **12B 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 association or association's management committee is the other party to the dispute; or
  - b) the aggrieved party asks the association's secretary to refer the dispute to mediation under rule 12A(6).
2. The management committee does not have to act under rule 12A (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 management committee 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 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 relates to an obligation under the *Liquor Act 1992* or any other State law to prevent the entry of the aggrieved party to, or to remove the aggrieved party from, premises used by the association, or to refuse to serve liquor to the aggrieved party at the premises; or  
 d) 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.

## **12C Appointment of mediator**

1. If a dispute under rule 12A 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 management committee; or
    - ii) for a dispute between a member and the management committee or the association—an accredited mediator or a mediator appointed by the director of the 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 Act or otherwise at law.

## **12D Conduct of mediation**

1. If a mediator is appointed under rule 12A, 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 Act or otherwise at law.

### **12E 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 management committee;
  - 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.

### **12F 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.