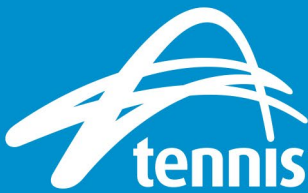




## ***Annexure A – Grievance Procedure***

### ***Disputes***

- (1) The grievance procedure set out in this clause will only apply if the dispute does not relate to the Tennis Australia National Policies and National By-Laws referred to in this Constitution.
- (2) Subject to sub-clause (1) above, the grievance procedure set out in this clause applies to disputes under this Constitution between:
  - (a) a member and another member; or
  - (b) a member and the management committee of the Association; or
  - (c) a member and the Association; or
  - (d) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.
- (3) 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.
- (4) 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.
- (5) 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 a member and another member, a person appointed by the committee of the Association;
    - (ii) in the case of a dispute between a member or relevant non-member (as defined by sub-clause (2) (c)) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- (6) A member of the Association can be a mediator.
- (7) The mediator cannot be a member who is a party to the dispute or who has a conflict of interest with respect to the dispute.



- (8) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (9) 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.
- (10) The mediator must not determine the dispute.
- (11) The mediation must be confidential and without prejudice.
- (12) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute through arbitration or otherwise at law.
- (13) The *Commercial Arbitration Act 2013 (Qld)* applies to any such dispute referred to arbitration.
- (14) A member may appoint any person to act on behalf of the member in this grievance procedure.
- (15) If a member has initiated a grievance procedure in accordance with this clause, in relation to a dispute between the member and the Association, the Association must not take disciplinary action against any of the following persons in relation to the matter the subject of the grievance procedure until the grievance procedure has been completed:
  - (a) the member who initiated the grievance procedure (the **complainant member**); or
  - (b) a member of the association appointed by the complainant member to act on behalf of the complainant member in the grievance procedure.