Cairns and District Family History Society Inc,
Grievance Procedure in accordance with Section 47A of the Associations Incorporation as at 1 July 2024

While the grievance procedure will not become part of the model rules until 1 July, you can preview it below to see if your association would like to use it or adopt its own.

You can find more information about getting ready for this change on www.qld.gov.au/law/fair trading.

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 to terminate the aggrieved party's membership, as provided for under the rules, and the dispute related to that process or to a matter relevant to that process; or
   c) the dispute related 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 reasonable be considered frivolous, vexatious, misconceived, or lacking in substance or the dispute relates to a matter that has already been subject to the grievance procedure.

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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) tf 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.