

The Gamers' Guild Inc Constitution: August 2018

PART 1

Name of Association

1. The name of the Association is **The Gamers' Guild Inc.**

Definitions

2. In these rules unless the contrary intention appears-
 - “Committee meeting” means meeting referred to in rule 16 (1);
 - “Committee member” means person referred to in paragraph (a), (b), (c), (d), (e) or (f) of rule 10 (1);
 - “financial year” refers to each period of twelve months commencing on the 1st of July of each calendar year, through to the 30th of June in the subsequent calendar year, inclusive;
 - “general meeting” means a meeting convened under rule 17;
 - “member” means an ordinary member of the Association;
 - “ordinary resolution” means resolution other than a special resolution;
 - “special resolution” means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;
 - “the Act” refers to the *Associations Incorporations Act 2015*;
 - “the Archivist” means the Archivist referred to in rule 10 (1) (e);
 - “the Association” means the Association referred to in rule 1;
 - “the Chairperson” means-
 - (a) In relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting in accordance with rule 12; or
 - (b) otherwise than in relation to the proceedings referred in paragraph (a), the Guild Master or, if that person is unavailable or unable to perform his or her functions, the Lieutenant;
 - “gatherings” mean-
 - (a) in relation to events, the weekly gatherings held by the Association’s venue for the benefit of the members and visitors and the purposes of gaming and socializing; or
 - (b) in reference to a period of time, a time extending from the moment specified in the reference and encompassing the ending of how ever many gatherings are mentioned in the reference;
 - “the Guild Master” means the Guild Master referred to in rule 10 (1) (a);
 - “the Committee” means the Committee of Management of the Association referred to in rule 10 (1);
 - “the Lieutenant” means the Lieutenant referred to in rule 10 (1) (b);
 - “the regulations” means the regulations of the Association referred to in rule 22.
 - “the Secretary” means the Scribe or, if that person is unavailable to perform his or her function, the Archivist;
 - “the Scribe” means the Scribe referred to in rule 10 (1) (c);
 - “the Treasurer” means the Treasure Keeper or, if that person is unavailable or unable to perform his or her functions, a member of the Committee nominated by the Treasurer who has agreed to perform these functions in this event;

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“the Treasure Keeper” means the Treasure Keeper referred to in rule 10 (1) (d);

“the Vice-Chairperson” means the Lieutenant;

Objects of Association

3.

- (1) The objects of the Association are to be a non-profit body to promote games and entertainment, specifically excluding gambling games and specifically emphasising role-playing and simulation games.
- (2) The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

Powers of Association

- 4.** The powers conferred on the Association by section 14 of the Act are subject to no additions, extensions or modifications.

Qualifications for membership of Association

5.

- (1) Membership of the Association is open to all who are in sympathy with the objects of the Association.
- (2) A person who wishes to become a member shall apply for membership to the Committee in writing in such form as the Committee from time to time directs.
- (3) The first membership fee or instalment set by subrule 7 (2) shall accompany the application and shall in the event that the application fails be refunded.
- (4) The Committee shall consider each application within four gatherings of the date of application and either accept or reject the application.
- (5) The Chairman of the meeting that accepts or rejects a membership as per subrules (4) or (7) shall sign and date the application under where the decision is marked.
- (6) If accepted, the membership shall commence from the first gathering on or after the date the decision was made.
- (7) The Committee may within four gatherings of a decision made under subrule (4) reconsider any application.
- (8) A general meeting may accept any membership application regardless of the condition set in subrules (2), (3) and (4).

Register of members of the Association

6.

- (1) The Secretary shall on behalf of the Association keep and maintain the register of members in accordance with section 53 of the Act and that register shall be maintained at his or her residence.
- (2) The Secretary shall cause the name of a person who dies or who ceases to be a member under rule 7 (3), 8 (1) or 9 to be deleted from the register of members referred to in subrule (1).

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Subscriptions of members of the Association

7.

- (1) The membership subscription period shall be defined as a 12 month period starting from the 1st of the month when the member commences or renews their membership under rule 5 (6)
- (2) The regulations may determine categories of membership from which each member or potential member may choose freely at the time of renewal or application, each of which may have its own fees and benefits in addition to those bestowed by the rules.
- (3) Subject to subrule (4), a member who has not made one of his or her payments within or before 2 weeks have elapsed after the relevant dates fixed by sub-clause (1) and (2) ceases on the expiry of the of that period to be a member unless the Committee decides otherwise.
- (4) Regardless of subrule (3), a member is a financial member for the purposes of these rules if each of his or her payments are made within or before 2 weeks have elapsed after the dates fixed by sub-clause (1) and (2).
- (5) The committee must determine the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Association, depending on the category of membership.

Resignation of members of the Association

8.

- (1) A member who delivers notice in writing of his or her resignation from the Association to the Scribe or another Committee member ceases on that delivery to be a member.
- (2) A person who ceases to be a member under subrule (1) remains liable to pay to the Association any subscription payment due and payable by that person but unpaid at the date of cessation.

Expulsion of members of the Association

9.

- (1) If the Committee considers that a member should be expelled from membership of the Association because of his or her conduct detrimental to the interests of the Association, the Committee shall communicate, either orally or in writing, to the member -
 - (a) notice of the proposed expulsion and of the time, date and place of the Committee meeting at which the question of expulsion will be decided; and
 - (b) particulars of that conduct,not less than four gatherings before the date of the Committee meeting referred to in paragraph (a).
- (2) At the Committee meeting referred to in a notice communicated under subrule (1), the Committee may, having afforded the member concerned a reasonable opportunity to be heard by the Committee or make representations in writing to the Committee, expel or decline to expel that member from membership of the Association and shall, forthwith after deciding whether or not to expel that member, communicate that decision in writing to that member.
- (3) Subject to subrule (5), a member who is expelled under subrule (2) from membership from the Association ceases to be a member fourteen days after the day on which the decision so to expel him or her is communicated to him or her under subrule (2).

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- (4) A member who is expelled under subrule (2) from membership of the Association shall, if he or she wishes to appeal against the expulsion, give notice to the Secretary of his or her intention to do so within the period referred to in subrule (4)
- (5) When notice is given under subrule (4)-
 - (a) the Association in a general meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or make representation in writing to, the Association in the general meeting, confirm or set aside the decision of the Committee to expel that member, and
 - (b) the member who gave notice does not cease to be a member unless and until the decision of the Committee to expel him or her is confirmed under this subrule.
- (6) An expelled member remains liable for all fees accrued up to the date of the cessation of that membership.

Committee of Management

10.

- (1) The affairs of the Association shall be managed exclusively by a Committee of Management consisting of-
 - (a) a Guild Master;
 - (b) a Lieutenant;
 - (c) a Scribe;
 - (d) a Treasure Keeper;
 - (e) an Archivist; and
 - (f) two Subalterns,all of whom shall be members of the Association elected to the positions of the Committee or appointed under subrule (2)
- (2) When a casual vacancy within the meaning of rule 15 occurs in the membership of the Committee-
 - (a) the Committee may appoint a member to fill that vacancy; and
 - (b) a member appointed under this subrule shall-
 - (i) hold office until the commencement of; and
 - (ii) be eligible for election to membership of the Committee at, the next following annual general meeting.
- (3) If a member of the Committee becomes affiliated with any other related bodies, he or she shall notify the Secretary of this affiliation in writing without delay, and a copy of the notice shall be both presented at the next Committee meeting and posted on the notice board.

Elections

11.

- (1) At the commencement of the first annual general meeting to be held after the incorporation of the Association under the Act, and at every annual general meeting thereafter, all positions on the Committee shall be declared vacant.
- (2) The people who held positions declared vacant under subrule (1) shall be eligible for re-election to membership of the Committee.
- (3) Subject to subrule (4), a person is not eligible for election to a position of the Committee unless a member has nominated him or her for election by delivering

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notice in writing of that nomination, including a statement of affiliations to other related bodies, signed at least by-

- (a) the nominator; and
- (b) the nominee to signify his or her willingness to stand for election.

to the Secretary before the annual general meeting at which the election is to be held.

- (4) Subrules (3) and (6) do not apply to or in relation to a person who is eligible for re-election under subrule (2).
- (5) A person who is eligible for election or re-election under this rule may at the annual general meeting concerned-
 - (a) nominate himself or herself for election or re-election; and
 - (b) vote for himself or herself.
- (6) The Secretary shall ensure that notice of all persons seeking election to positions of the Committee is given to those members of the calling of the annual general meeting at which the election is to be held.
- (7) If the only one person has nominated for the election of a position of the Committee-
 - (a) the Secretary shall report accordingly to; and
 - (b) the Chairperson shall declare that person duly elected to that position of the Committee at,

the annual general meeting concerned.

Chairperson

12.

- (1) Subject to this rule, the Guild Master, or if that person is unavailable or unable to perform his or her functions, the Lieutenant shall preside at all general meetings and Committee meetings as the Chairperson.
- (2) In the event of the unavailability or inability of the Chairperson to perform his or her functions from-
 - (a) a general meeting, a member selected by the other members present at the meeting; or
 - (b) a Committee meeting, a Committee member selected by the other Committee members present,shall preside at the general meeting or Committee meeting, as the case requires.

Secretary

13. The Secretary has the following duties —

- (a) dealing with the Association's correspondence;
- (b) consulting with the chairperson regarding the business to be conducted at each committee meeting and general meeting;
- (c) preparing the notices required for meetings and for the business to be conducted at meetings;
- (d) unless another member is authorised by the committee to do so, maintaining on behalf of the Association the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
- (e) maintaining on behalf of the Association an up-to-date copy of these rules, as required under section 35(1) of the Act;

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- (f) unless another member is authorised by the committee to do so, maintaining on behalf of the Association a record of committee members and other persons authorised to act on behalf of the Association, as required under section 58(2) of the Act;
- (g) ensuring the safe custody of the books of the Association, other than the financial records, financial statements and financial reports, as applicable to the Association;
- (h) maintaining full and accurate minutes of committee meetings and general meetings;
- (i) carrying out any other duty given to the secretary under these rules or by the committee.

Treasurer

14. The treasurer has the following duties —

- (a) that any amounts payable to the Association are collected and issuing receipts for those amounts in the Association's name;
- (b) ensuring that any amounts paid to the Association are credited to the appropriate account of the Association, as directed by the committee;
- (c) ensuring that any payments to be made by the Association that have been authorised by the committee or at a general meeting are made on time, and in so doing ensure that all cheques are signed by at least one Committee member as well as himself or herself;
- (d) ensuring that the Association complies with the relevant requirements of Part 5 of the Act;
- (e) ensuring the safe custody of the Association's financial records, financial statements and financial reports, as applicable to the Association;
- (f) if the Association is a tier 1 association, coordinating the preparation of the Association's financial statements before their submission to the Association's annual general meeting;
- (g) if the Association is a tier 2 association or tier 3 association, coordinating the preparation of the Association's financial report before its submission to the Association's annual general meeting;
- (h) providing any assistance required by an auditor or reviewer conducting an audit or review of the Association's financial statements or financial report under Part 5 Division 5 of the Act;
- (i) carrying out any other duty given to the treasurer under these rules or by the committee.

Casual vacancies in membership of the Committee

15. A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member-

- (a) dies;
- (b) resigns by notice in writing delivered to the Chairperson or, if the Committee member is the Chairperson, to the Vice-Chairperson and that resignation is accepted by resolution of the Committee;
- (c) is convicted of an offence under the Act;
- (d) is permanently incapacitated by mental or physical ill-health;
- (e) is absent from more than
 - (i) 3 consecutive Committee meetings; or
 - (ii) 3 Committee meetings in the same financial year without tendering an apology to the person presiding at each of those Committee meetings; of which

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meetings the member received notice, and the Committee has resolved to declare the office vacant;

- (f) ceases to be a member of the Association; or
- (g) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

Proceedings of the Committee

16.

- (1) The Committee shall meet together for the dispatch of business not less than once in any calendar month and the Chairperson may at any time convene a meeting of the Committee.
- (2) Each Committee member has a deliberate vote.
- (3) A question arising at a Committee meeting shall be decided by a majority of votes but, if there is an equality of votes, the Chairperson of the Committee meeting shall have a casting vote in addition to his or her deliberate vote.
- (4) At a Committee meeting four Committee members or the entire Committee, whichever is the lesser number, constitute a quorum.
- (5) Subject to the rules, the procedure and order of business to be followed at a Committee meeting shall be determined by the Committee members present at the Committee meeting.
- (6) A Committee member having any direct or indirect pecuniary interest referred to in section 21 and 22 of the Act shall comply with that section.

General Meeting

17.

- (1) The Committee-
 - (a) may at any time convene a special meeting;
 - (b) shall convene annual general meetings within the time limits provided for the holding of annual general meetings by section 23 of the Act; and
 - (c) shall within four gatherings of-
 - (i) receiving a requirement in writing to do so from at least 20% of the members, convene a special general meeting for the purpose specified in the request; or
 - (ii) the Secretary receiving a notice under rule 9(4), convene a special general meeting for the purpose of dealing with the appeal to which the notice relates.
- (2) The members requiring a specific general meeting to be convened, referred to in subrule (1) (c) (i) shall-
 - (a) make the requirement by written notice given to the Scribe; and
 - (b) state in the requirement the business to be considered at the meeting; and
 - (c) each sign and date the request.
- (3) If a special general meeting is not convened within the relevant period set in subrule (1) (c) referred to in-
 - (a) subsection (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
 - (b) subsection (ii), the member who gave the notice concerned may himself or herself convene a special general meeting as if he or she were the Committee

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- (4) When a special general meeting is convened under subrule (3) (a) or (b)-
 - (a) the Committee shall ensure that the members or member convening the special meeting are supplied free of charge with the particulars of all members; and
 - (b) the Association shall pay the reasonable expended of convening and holding the special general meeting.
- (5) Subject to subrule (8), the Secretary shall give all members not less that two gatherings notice of a general meeting.
- (6) A notice given under subrule (5) shall specify-
 - (a) when the general meeting concerned will be held;
 - (b) where the general meeting concerned will be held if it is not the club venue and;
 - (c) particulars of the business to be transacted at the general meeting concerned and the order in which that business is to be transacted.
- (7) In the case of an annual general meeting, the order in which the business is transacted is-
 - (a) first, the consideration of accounts and reports of the Committee;
 - (b) second, the election of the Committee members to replace the outgoing Committee members; and
 - (c) third, any other business requiring consideration by the Association in a general meeting.
- (8) The Secretary shall give to all members not less that four gatherings notice of a general meeting at which a special resolution is to be proposed and any other motions to be moved at that general meeting.
- (9) The Secretary may give notice under subrule (5) or (8) by posting a clear notice on the board at the club venue.
- (10) In the event of a deadlock in any vote taken at a general meeting, the Chairperson of the general meeting shall having a casting vote in addition to his or her deliberate vote, if any.
- (11) Non-members have the right to address any general meeting of the Association.

Quorum in proceedings at a general meeting

18.

- (1) At a general meeting the presence in person of one third of the voting membership shall constitute a quorum.
- (2) If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 17 (5) or (8)-
 - (a) as a result of a request referred to in rule 17 (1)(c) or as a result of action under 17 (3) a quorum is not present, the general meeting lapses; or
 - (b) otherwise than as a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same day in the following week at the same time and venue.
- (3) If within 30 minutes of the time appointed under subrule (2) (b) for the resumption of an adjourned meeting a quorum is not present, the voting members who are present may nevertheless proceed with the business of that general meeting as if a quorum were present.

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- (4) The chairperson may, with the consent of a general meeting at which a quorum is present, and shall, if so directed by such a general meeting, adjourn that general meeting from time to time and place to place.
- (5) There shall not be transacted at a general meeting adjourned for more than an hour any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (6) When a general meeting is adjourned for a period of 30 days or more, the Secretary shall give notice under rule 17 of the adjourned general meeting as if that general meeting was a fresh general meeting.
- (7) At a general meeting-
 - (a) an ordinary resolution which has been received to be put on the vote shall be decided by a majority of votes, and
 - (b) a special resolution shall be put to the vote and decided in accordance with section 51 of the Act.
- (8) A declaration by the Chairperson who presided at a general meeting that a resolution has been passed as an ordinary resolution thereat shall be evidence of that fact unless, during the general meeting at which the resolution was submitted, a poll to decide the resolution is determined in accordance with subrule (9).
- (9) At a general meeting, a poll may be demanded by the Chairperson or by three or more voting members present in person and, if so demanded shall be taken in such manner as the chairperson directs.
- (10) If a poll is demanded and taken under subrule (9) in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.

Minutes of meetings of the Association

19.

- (1) The Secretary shall cause proper minutes of all proceedings at all general meetings and Committee meetings to be taken and then to be entered in the minute book within 30 days after the holding of the relevant meeting.
- (2) The Guild master shall ensure that the minutes taken under subrule 91) are checked and signed as correct by the Chairperson of the relevant meeting.
- (3) When the minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved, be evidence that -
 - (a) the general meeting or Committee meeting (in this subrule called "the meeting") to which they relate was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place thereat; and
 - (c) all appointments or elections purporting as having taken place at the meeting have in fact been validly made.
- (4) Even in consideration of subrule (3), the minutes within the minute book shall be considered a draft of the minutes of the meeting to which they relate until such time as they have been verified as a correct record of the proceedings at the next Committee or general meeting, as applicable.
- (5) After the minutes are verified under subrule (4)-
 - (a) the Chairman of the meeting at which the decision is taken will sign and date at the foot of the minutes that the minutes are a correct record and initial each page and correction that was made; and
 - (b) no further corrections may be made to those minutes.

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Voting rights of members of Association

20.

- (1) Subject to these rules, each financial member present in person at a general meeting is entitled to a deliberate vote.
- (2) A member which is a body corporate may appoint in writing a natural person, whether or not he or she is a member, to represent it at a particular general meeting or at all general meetings.
- (3) An appointment made under subrule (2) shall be so made by a resolution of the body corporate concerned-
 - (a) which resolution is authenticated under the common seal of the body corporate; and
 - (b) A copy of the resolution is lodged with the Secretary.
- (4) A person appointed under subrule (2) to represent a member which is a body corporate shall be deemed for all purposes to be a member until that appointment is revoked by the body corporate or, in the case of an appointment in respect of a particular general meeting, which appointment is not so revoked, the conclusion of the general meeting.

Proxies of members of the Association

21. The Association will accept no proxies at any meeting of the Association.

Rules of Association

22.

- (1) The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedures set out in sections 30, 31, 32, 33, and 34 of the Act.
- (2) The Committee may add, alter or rescind items of the regulations from time to time.
- (3) A general meeting of the Association may add, alter or rescind items of the regulations by ordinary resolution from time to time.
- (4) Proposed alterations to the regulations under subrule (2) shall be posted on the notice board for a period of not less than four gatherings before coming into effect, and may be withdrawn at any time during this period at the discretion of the Committee.
- (5) Members who are dissatisfied with a proposal posted under subrule (4) may within that period request a general meeting to consider the question under rule 17 (1) (c) (i).
- (6) Where notice has been received under subrule (5), the relevant proposal shall lapse and the question of the alteration shall be resolved by the general meeting under subrule (3).
- (7) The regulations may not contradict any of the provisions of these rules, but rather shall expand or qualify these provisions within the bound set by these rules and the Act.
- (8) These rules and regulations of the Association bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and the regulations of the Association and agreed to be bound by their provisions

Common seal of the Association

23.

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- (1) The Association shall have a common seal on which its corporate name shall appear in legible characters
- (2) The common seal of the Association shall not be used except with the express authority of the Committee and every use shall be recorded the minute book referred to in rule 19.
- (3) The common seal of the Association shall be kept in the custody of the Secretary or other such person as the Committee from time to time decides.

Inspection of records, etc, of Association

- 24.** A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association

Distribution of surplus property on winding up of the Association

- 25.** (1) In this rule —
surplus property, in relation to the Association, means property remaining after satisfaction of —
- (a) the debts and liabilities of the Association; and
 - (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Association,
- but does not include books relating to the management of the Association.
- (2) On the cancellation of the incorporation or the winding up of the Association, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act.

Not for Profit Body

- 26.**
- (1) A payment may be made to a member out of the funds of the Association only if it is authorised under subrule (2).
 - (2) A payment to a member out of the funds of the Association is authorised if the Committee or a General Meeting of the Association has approved the payment, and it is —
 - (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or
 - (b) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
 - (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.
 - (5) Payments to Committee Members out of the funds of the Association may be made under the same circumstances as payments to any other member of the Association, as described in subrule (3) and (4). No special circumstances apply to members of the Committee.

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PART 2 — DISPUTES AND MEDIATION

Division 1 — Resolving Disputes

Terms used

27.

In this Part —

grievance procedure means the procedures set out in this Part;

party to a dispute includes a person —

- (a) who is a party to the dispute; and
- (b) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

Application of Division

28.

The procedure set out in this Division (the grievance procedure) applies to disputes —

- (a) between members; or
- (b) between one or more members and the Association.

Parties to attempt to resolve dispute

29.

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

How grievance procedure is started

30.

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 29, any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
 - (a) the parties to the dispute; and
 - (b) the matters that are the subject of the dispute.
- (2) Within 28 days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
- (3) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (4) The notice given to each party to the dispute must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
- (5) If —
 - (a) the dispute is between one or more members and the Association; and
 - (b) any party to the dispute gives written notice to the secretary stating that the party —
 - (i) does not agree to the dispute being determined by the committee; and
 - (ii) requests the appointment of a mediator under rule 33,

the committee must not determine the dispute.

Determination of dispute by committee

31.

- (1) At the committee meeting at which a dispute is to be considered and determined, the committee must —

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- (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
 - (b) give due consideration to any submissions so made; and
 - (c) determine the dispute.
- (2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
 - (3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under subrule (1)(c), give written notice to the secretary requesting the appointment of a mediator under rule 33.
 - (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

Division 2 — Mediation

Application of Division

32.

- (1) This Division applies if written notice has been given to the secretary requesting the appointment of a mediator by a party to a dispute under Rule 30(5)(b)(ii) or 31(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 33.

Appointment of mediator

33.

- (1) The mediator must be a person chosen —
 - (a) if the appointment of a mediator was requested by a party to a dispute under rule 30(5)(b)(ii) or 31(3) — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of subrule (1)(a) or (b), then, subject to subrules (3) and (4), the committee must appoint the mediator.
- (3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by —
 - (a) a party to a dispute under rule 30(5)(b)(ii); or
 - (b) a party to a dispute under rule 31(3) and the dispute is between one or more members and the Association.
- (4) The person appointed as mediator by the committee may be a member or former member of the Association but must not —
 - (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

Mediation process

34.

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must —
 - (a) give each party to the mediation every opportunity to be heard; and

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- (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.