

## Special resolution for TSA Annual General Meeting – Saturday 5 November 2022

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**Special resolution:** That the members of TSA adopt the new Constitution – incorporating the following changes (shaded yellow below):

### 10. Resolution of internal disputes

(a) Disputes between members (in their capacity as members) of the TSA, and disputes between members and the TSA, are to be referred to a Community Justice Centre for mediation in accordance with the Community Justice Centres Act 1983.

(b) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

(c) If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.

(d) The Commercial Arbitration Act 2010 applies to a dispute referred to arbitration.

### 11. Disciplining of members

(1) A complaint may be made to the TSA Committee by any person that is a member of the TSA:

(a) has persistently refused or neglected to comply with a provision or provisions of these rules, or

(b) has persistently and wilfully acted in a manner prejudicial to the interests of the TSA.

(2) The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.

(3) On deciding to deal with a complaint, the TSA Committee:

(a) must cause notice of the complaint to be served on the member concerned, and

(b) must give the member at least 14 days from the time the notice is served within which to make submissions to the TSA Committee in connection with the complaint, and

(c) must take into consideration any submissions made by the member in connection with the complaint.

(4) The TSA Committee may, by resolution, expel the member from the TSA or suspend the member from membership of the TSA if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

(5) If the TSA Committee expels or suspends a member, the delegated Committee Member must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the TSA Committee for having taken that action and of the member's right of appeal under Rule 12 Right of Appeal of Disciplined Member.

(6) The expulsion or suspension does not take effect:

(a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or

(b) if within that period the member exercises the right of appeal, unless and until TSA confirms the resolution under Rule 12 Right of Appeal of Disciplined Member, whichever is the latter.