

SCHEDULE

THE CONSTITUTION OF THE AMINZ ARBITRATION APPEALS COMMITTEE

(Adopted 2008)

A. COMPOSITION

1. The AMINZ Arbitration Appeals Committee (“the Committee”) shall consist of three (3) members appointed by the Council, comprising a President, and two Vice-Presidents all being New Zealand residents
2. All members of the Committee shall serve for a three-year term but shall be eligible for re-appointment
3. The AMINZ Council (“the Council”) shall fill appointments arising from retirements or casual vacancies and take appropriate actions on other issues relating to the composition of Court from time to time, as appropriate.

B. FUNCTIONS OF THE ARBITRATION APPEALS COMMITTEE

1. The Committee shall have power to do anything which it may consider appropriate for proper performance of its functions and shall in particular:
 - (a) perform the functions conferred on it by the AMINZ Arbitration Appeal Rules (“the Appeal Rules”) including acting as appointing authority under the Appeal Rules;
 - (b) assist the Registrar of the AMINZ Arbitration Appeals Tribunal;
 - (c) keep the Appeal Rules under review and make recommendations to the Council as appropriate concerning the introduction of new or amended rules;
 - (d) send an annual report to the Council; and
 - (e) promote the objectives of AMINZ and alternative dispute resolution generally.
2. Subject to the provisions of Rule 7(6) of the Appeal Rules, the functions of the Committee under B1(a) above shall be performed in the name of the Committee by the President where possible or in his absence by one of the Vice-Presidents. In relation to decisions under Rule 7(6) of the Appeal Rules at least two members of the Committee shall participate in the decision.
3. In the performance of its functions under this Constitution, the Committee, and its members shall at all times act independently of the Council.
4. All members of the Committee shall observe and respect at all times the confidentiality of the workings of the Committee and the arbitral appeal proceedings in relation to which they are required to exercise their functions and duties.

C. MEETINGS OF THE COMMITTEE

1. The Committee as a whole shall meet as often as required and at least once a year to discuss the work of the Committee and to prepare its annual report.
2. Meetings shall be chaired by the President. A quorum shall be two.

D. APPOINTMENT OF ARBITRATORS

1. All appointments of arbitrators pursuant to B.1(a) shall be made by the President or in his or her absence by a Vice-President on the President's behalf.
2. No members of the Committee shall be eligible for appointment to an AMINZ Arbitration Appeal Tribunal.

E. FUNCTIONS OF THE REGISTRAR

The Registrar shall:

1. Carry out on behalf of AMINZ and the Committee the day-to-day operations and administrative functions of the registrar under the AMINZ Arbitration Appeal Rules.
2. Service the Arbitration Committee.

F. LIABILITY

Neither the Committee nor its members nor AMINZ shall be liable to any person for any act or omission in any functions carried out under the AMINZ Arbitration Appeal Rules or otherwise howsoever.

I. AMENDMENTS

The provisions of this Constitution may only be amended by the Council.