



# POLICY



## MEMBER GRIEVANCE POLICY

Version: 1.2020

Approved by CEO on: 22-10-2020

Policy Type: Strategic

Approved by Board on: 9-11-2020

Responsible Person: Stakeholder  
Manager

Scheduled review date: September 2021

Creation Date: January 2020

### 1. Purpose

The purpose of this document is to outline the Grievance Policy and related procedures that are to be used by Netball WA and its Members to deal with grievance actions according to **Rule 45(a)** of the Constitution.

Netball WA recognises that issues can occasionally arise that require assistance or support to resolve.

The majority of Netball WA's Member Entities that conduct netball competitions are registered as incorporated associations under the Associations Incorporation Act 2015 (WA), which requires them to have a dispute resolution procedure.

Where an incorporated Member Entity's constitution does not have a dispute resolution procedure, then the procedure outlined in the [Model Rules \(Associations\) 2016](#) is taken to be part of that Member Entity's constitution.

This Policy provides a process for dealing with grievances and/or disputes between Members of a Member Entity or between Members and a Member Entity that are outside the scope of:

- 1.1 Netball WA's Disciplinary Policy;
- 1.2 Netball Australia's Member Protection Policy; or
- 1.3 Any policy that deals with on-court offences and competition-related disciplinary action.

Examples of grievances and disputes that might be dealt with by this Policy include, but are not limited to, issues between Members:

- 1.1 regarding selection of teams and/or coaches and other officials which didn't follow procedures as set out in their policies;
- 1.2 regarding court time, if court time is managed by a policy and the procedures in that policy were not followed;





- 1.3 regarding the conduct of members of the Executive Committee of a Member Entity;
- 1.4 concerning how a Member Entity runs their AGM meetings;
- 1.5 regarding the application of the rules of the netball competitions and activities conducted by a Member Entity.

## 2. Applicability

This Policy applies to all of the following people & organisations, whether they are operating in a paid or unpaid/voluntary capacity:

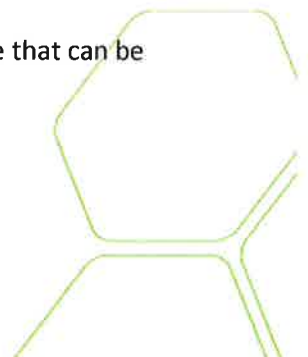
- Netball WA and its Members;
- the Netball WA Board;
- Member Entities and their Members;
- All employees, volunteers, independent contractors, spectators and other participants of Netball WA activities;
- Parents, guardians, spectators and sponsors and any other person or organisation to the fullest extent possible;
- Any other person who has agreed to be bound by this Policy.

This Policy applies:

- At any Netball WA or Member Entity competition or event;
- During any paid or volunteer activities of Netball WA;
- During all netball related activities of Netball WA, including competitions, training events and camps;
- At all times when providing services on behalf of Netball WA or a Member Entity, and;
- At all times when acting in any capacity, whether voluntary, paid or unpaid, on behalf of Netball WA or a Member Entity.

For the avoidance of doubt, the procedure set out in this Policy shall not apply to any incident or matter to which other policies of Netball WA or Netball Australia apply. Any grievance which may be dealt with in accordance with other policies (including, but not limited to, the Member Protection Policy and the Integrity Framework Policies) shall be dealt with in accordance with the grievance procedure set out in that policy.

This Policy shall not apply where a Member Entity has an equivalent policy in place that can be used to manage a grievance or dispute.





This Policy does not impose any contractual obligations on Netball WA, is not incorporated into, and does not form part of, any contract between Netball WA and anyone to whom this Policy applies.

A Member may not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

### 3. Definitions

The below terms have the following meanings unless otherwise stated in this Policy:

**Board** means the Netball WA Board.

**Constitution** means the Netball WA Rules of Association.

**Member** means any Member of Netball WA under the Constitution.

**Member Entity** means a Member Association, Affiliated Club, Associate Member or other approved Member of Netball WA, excluding Individual and Life Members.

**Member Protection Information Officer, or MPIO,** means an individual at an organisation who provides information and guidance on complaints procedures.

**Member Protection Policy** means the Netball Australia Member Protection Policy, as published by Netball Australia from time to time.

**Policy** means this Grievance Policy.

**Rules of Netball** means the International Netball Federation ('INF') Official Rules of Netball as published by the INF from time to time.

### 4. Responsibilities

The Netball WA General Manager – Community Netball is responsible for ensuring the implementation of this Policy, including delegating the responsibility of management of this Policy.

All grievance actions undertaken under this Policy are to remain confidential, and all people and organisations participating in the process, whether directly or indirectly, are required to maintain confidentiality at all times. It should also be ensured that privacy is maintained throughout the process at all times. Any breach of confidentiality or privacy may form the basis of formal action against the person or organisation who breaches these requirements.





## 5. The Policy

### 5.1 Handling of a grievance or dispute within a Member Entity

5.1.1 The Executive Committee is responsible for the administration of the Member Entity, including the handling of internal disputes between Members, as well as disputes between Members and the Member Entity.

5.1.2 This is in accordance with the *Associations Incorporation Act 2015* (WA) and the Member Entity's constitution.

### 5.2 What to do if you have a grievance or dispute

5.2.1 Informal approaches

#### **Step 1: talk with the other person (if safe, reasonable and appropriate)**

You can approach the other person to discuss the issues and try to resolve the problem directly. If the dispute is about a decision, you may want to request more information about the relevant policies and procedures.

Informal discussion with the person who you have a grievance with can be lower pressure than other options, and allows for discussion of the issues and perspectives. This can often result in a resolution as it allows each person to be better understood and heard. It is particularly valuable as an option when the complaint is in an early stage.

#### **Step 2: contact a Member Protection Information Officer (or equivalent)**

You can talk to a Member Protection Information Officer ('MPIO') or equivalent officer at the Member Entity if:

- Step 1 is not appropriate;
- You are not sure how to handle the problem by yourself;
- You want to talk confidentially with someone and find out what options are available to address your concern; or
- The concern continues after you have tried Step 1.

#### **The MPIO can:**

- Ask you how you would like your concern to be resolved and if you need support
- Seek to provide different options for you to address your concern;
- Act as a support person, if you wish;
- Refer you to another person (e.g. refer to mediation) to help you address your concern, if appropriate;
- Inform the relevant government authorities and/or police, if required by law to do so;
- Where possible and appropriate, maintain confidentiality.





#### The MPIO can't:

- Decide what the best option is for you;
- Tell you what actions you should take;
- Take sides in the dispute;
- Provide advice, legal or otherwise;
- Handle or investigate the complaint for you;
- Advocate for you.

You can check with your local Association to see if they have an MPIO, or contact a Netball WA MPIO.

#### Step 3: decide how to address your concern

After talking with the MPIO (or equivalent), you may decide:

- That there is no problem;
- That the problem is minor and you do not wish to take the matter forward;
- To try and resolve the problem yourself, or with a support person;
- To resolve the problem with the help of someone impartial, such as a mediator; or
- To resolve the matter through a formal process (e.g. the Member Entity's complaints or dispute resolution process).

### 5.3 What to do if a matter can't be resolved informally

5.3.1 If a grievance or dispute cannot be resolved informally through discussion, then formal processes may be used.

5.3.2 Formal processes include:

5.3.2.1 Mediation;

5.3.2.2 Management Committee hearing and decision (or other Member Entity policy process);

5.3.2.3 Escalation within the sport (e.g. from Club to Association, from Association to Netball WA); or

5.3.2.4 Referral to an external agency (if applicable).

### 5.4 Mediation

5.4.1 Mediation is a process that uses a neutral person to help parties in a dispute reach an agreement or settlement. Mediators help the parties to talk to each other in a respectful and safe environment.





- 5.4.2 Mediation is typically used as a forum to identify issues, suggest options, and explore alternative solutions to the dispute. It is important during mediation to cooperate, listen to the views of others, and consider options for resolution.
- 5.4.3 Mediation can be less stressful and prevent excessive costs from being incurred when compared with taking a dispute to a legal setting.
- 5.4.4 If a matter under this policy proceeds to mediation, it is the responsibility of the party requesting the mediation to source an appropriate mediator or mediation service.
- 5.4.5 The sourced mediator must be accepted by agreement between the parties to the grievance.
- 5.4.6 If an agreement cannot be made, then the mediator may be appointed by Netball WA.
- 5.4.7 A mediator appointed by Netball WA may be a Member or a former Member but may not have a personal interest in the dispute or be biased in favour of any party involved.
- 5.4.8 The mediator cannot determine the dispute.

## 5.5 Frequently Asked Questions

### **Can a member or committee member who is causing trouble be disciplined or removed from their role?**

A Member Entity can take action by disciplining or removing a Member as long as:

- they have a policy or constitutional process that gives them the power to do so;
- they follow the process that is provided; and
- they apply natural justice.

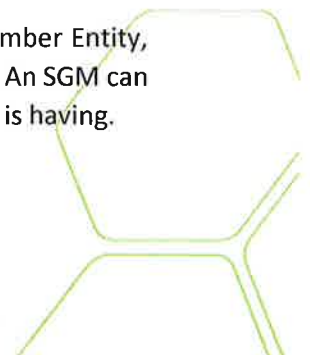
The constitution of the Member Entity should also have rules around the discipline and removal of members of the committee. If a Member Entity's constitution and policies don't cover these topics, then the Model Rules should be used.

### **The Member Entity is operating badly/unconstitutionally. What are other options?**

Occasionally there will be times where the Member Entity's governance structures and processes are not being followed, or there is no capacity for them to be followed, and the issue is not resolved. Where this is the case, alternative options can be looked at to prevent a situation from getting out of control and becoming too difficult to manage. Two options that might be considered are:

- ***Call a Special General Meeting***

A Special General Meeting ('SGM') is a meeting of the members of the Member Entity, which can be called when certain requirements are met from the legislation. An SGM can be used to collectively identify and sort out the issues that a Member Entity is having.





This option might be considered where there are serious, ongoing issues of governance within the Member Entity and their activities, and a significant portion of the membership agree that action needs to be taken.

The rules for calling an SGM will be set out in the Member Entity's constitution. If they aren't set out there, then the SGM rules from the Model Rules should be followed.

Where there are concerns about behaviour or high emotion being an issue during an SGM, you might choose to source an independent person to be the chair of the meeting so that it can run as smoothly and cooperatively as possible.

- ***Leave the Association/Club***

There will be times when the stress, time, and energy that are involved in a dispute will not be worth it for you. Where it is possible to do so, leaving the Member Entity and joining, or creating, a new Member Entity may be a better option than continuing with a dispute.

## **5.6 Costs**

Each party to a proceeding under this Policy shall bear their own costs.

## **5.7 Exhaust Internal Options**

A Member must exercise their right of resolution under this Grievance Policy and have any appeal heard and determined by the Appeals Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law, the State Administrative Tribunal, the Court of Arbitration for Sport, or other external organisation.

## **5.8 Relationship with Criminal Matters**

5.8.1 If, during a grievance or disputes process, it becomes known that a criminal charge has been brought (as opposed to just the subject of police investigation) arising out of the actions that are the subject of the grievance or disputes process, then the grievance or disputes process may be deferred until the completion of the criminal charge.

5.8.2 In making a determination under **Rule 5.8.1**, the those involved shall have regard to the need of ensuring the ongoing safety of players, umpires, coaches and other persons involved in Netball WA and related Member Entities.







## 6. Changes to This Policy

This Policy may be cancelled, amended or supplemented by the NWA CEO as and when it sees fit. Any variation or amendment will be given in writing by the CEO of NWA. This Policy will be reviewed annually as per the Netball in WA Policy Development Guidelines.

## 7. Related Documents

- Netball Australia Member Protection Policy

## 8. Authorisation

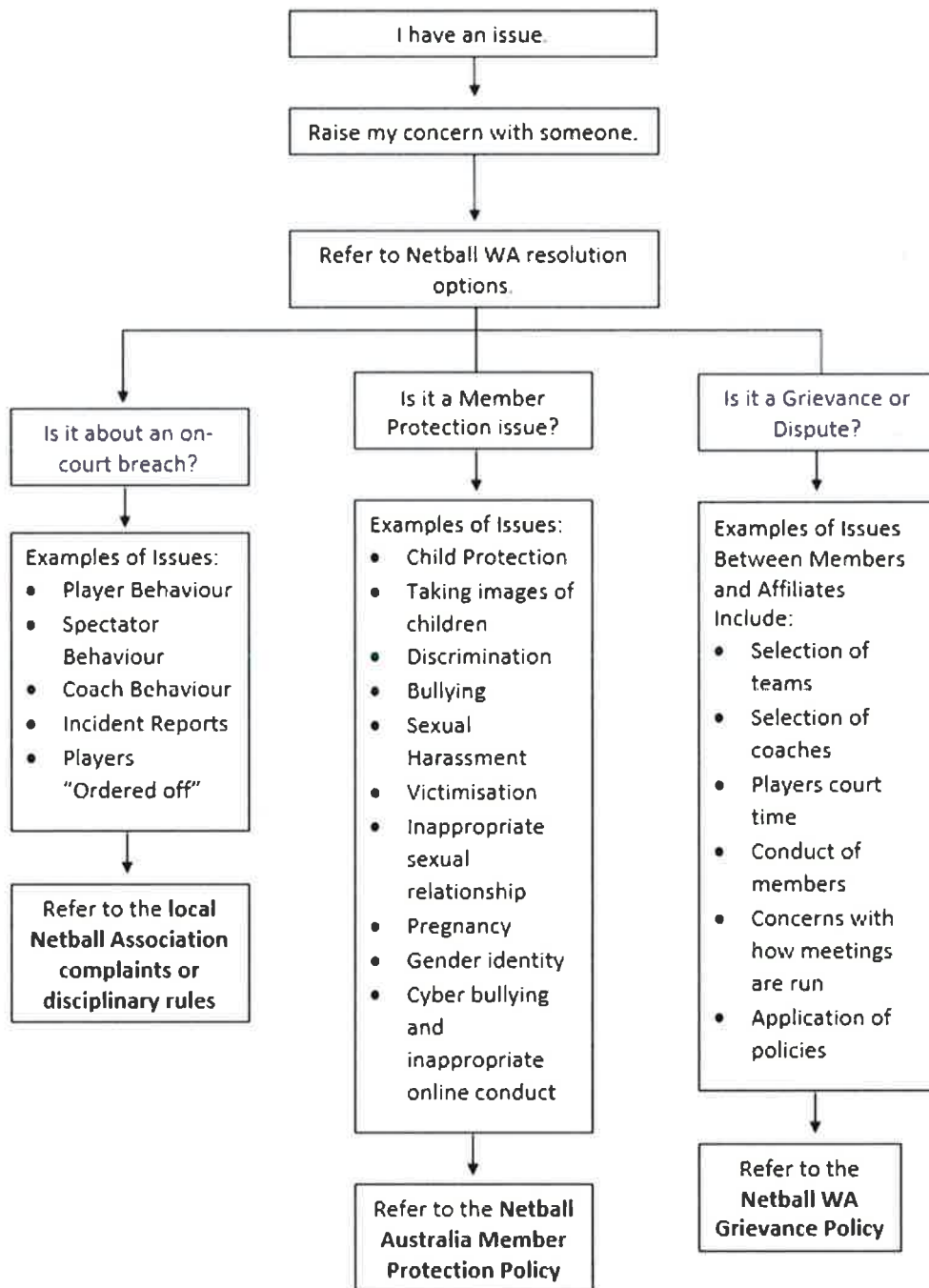


**Chief Executive Officer**  
**Netball WA**

**Date: 9 November 2020**



## Appendix A: Netball WA Dispute Resolution Flowchart





Netball WA (Inc.)

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