



# Hervey Bay City Bridge Club Inc (HBCBC) Disputes and Grievances Policy

## Preliminary

This Hervey Bay City Bridge Club Inc Disputes and Grievances Policy is written in accordance with the Hervey Bay City Bridge Club Inc Constitution 2024 (Section 11), the *Associations Incorporation Act 1981* (Section 47A) and the *Office of Fair Trading Model Rules, 12A Grievance Procedure*.

This Policy relates to the management of internal disputes (complaints, grievances, and misconduct). The term “disputes” has been used throughout the document.

It does not include disputes arising from outside of the HBCBC (the Club)<sup>1</sup>.

## 1 Definition of Disputes

### (1) Complaint

- (a) A complaint is where a member of the Hervey Bay City Bridge Club Inc. notifies the HBCBC Management Committee (the ‘Management Committee’) that they are dissatisfied with a decision, action, or the conduct of a member of the Club, or a member of the Management Committee, or of the Management Committee.
- (b) The complaint process seeks resolution of matters involving the HBCBC; however, the Club reserves the right to not action complaints as outlined in Subsection 3 (3) and 3 (4) of this Policy.

### (2) Grievance

- (a) A grievance is where a member of the HBCBC perceives a wrong causing resentment or a feeling of being unfairly treated by another member of the HBCBC or by a Director (where it is outside of the Bridge Laws 2017, Australian Bridge Federation, or Queensland Bridge Association Regulations).
- (b) A grievance includes disruptive behaviour where a member subjects another member to significant rudeness, harassment, bullying, insinuations, profanity, or threats of violence either during a bridge session, in relation to a Club matter, or on Club grounds. Bad manners or transient unpleasantness are not included in this definition.<sup>2</sup>

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<sup>1</sup> Disputes not covered by this policy include events hosted by other Bridge Clubs or conflicts involving the QBA, ABF or any supplier. This Policy does not relate to events arising outside the Club.

<sup>2</sup> In line with Queensland Bridge Club Policy Managing Complaints

### **(3) Misconduct**

Misconduct is defined as unacceptable or improper behaviour not consistent with the Code of Conduct, an infringement of Club Rules and By-Laws, or bringing discredit on the game of Bridge, the Club, or its members.

## **2 Lodging a Dispute (complaint or grievance)**

- (1) Before a dispute is lodged, the complainant or grievant ('complainant') is encouraged to discuss the matter with the other party with a view to seeking resolution.
- (2) If resolution cannot be achieved, the complainant may lodge a dispute via email or by letter. This letter or email must include the name and contact details of the complainant and the other party.
- (3) The complainant should send a written copy of their dispute addressed to the HBCBC electronically to [hb.bridge@gmail.com](mailto:hb.bridge@gmail.com) or by letter to PO Box 5092 Torquay. A copy of the dispute should also be sent to the other party via email by the complainant, or to the Secretary for onward transmission to the other party.

## **3 Handling a Dispute (complaint or grievance)**

- (1) All disputes should be acknowledged within 3 working days and both parties notified in writing of their rights as outlined in the HBCBC Constitution 2024, Subsection 11 (1) (d).
- (2) All disputes must be recorded in the Confidential Disputes Register managed by the Secretary or the Dispute Sub-Committee as determined by the Management Committee. The Disputes Register is confidential and not for general perusal and will not be released to any person outside the Committee. The Disputes Register will accurately record dates, names of complainant, initial assessment, allegations, and outcomes. The Disputes Register will be on the agenda and reviewed at each Committee meeting to ensure all disputes are being completed in a timely manner and successfully finalised.
- (3) All parties have the right to be treated with respect and to be supported through the process.
- (4) The HBCBC may choose to take no further action on a dispute if it is assessed that the dispute:
  - (a) does not relate to an HBCBC matter,
  - (b) is more than 6 months old,
  - (c) lacks substance,
  - (d) is trivial, vexatious, frivolous, or
  - (e) is not made in good faith.
- (5) The HBCBC may choose to take no further action on a dispute if the complainant does not name the other party, or if the complainant has not provided additional information when requested.

- (6) Any complaint against the Club or the Management Committee Member or the Management Committee should be referred immediately to mediation as the Club should not investigate its own actions.
- (7) An initial assessment review should determine if the dispute should continue or not in accordance with HBCBC Constitution Subsection 11(1)(h). During this initial review assessment, parties' written responses and any face-to-face discussions with the parties must be reviewed. If the responses differ, the report should recommend that the dispute go to investigation. Both parties have the right to review and challenge evidence before a report is prepared for the Management Committee. If the decision is not to proceed both parties are to be informed of the reason for the decision. If the decision is to proceed, both parties are to be asked whether they would prefer internal resolution or mediation.
- (8) HBCBC focuses on finding solutions or changing behaviour rather than attributing blame and offers the parties an internal resolution process or an immediate pathway to mediation. The parties must in good faith attempt to resolve the dispute within 14 days from its initiation, but if there is no internal resolution, either party may, within a further 21 days write to the Secretary requesting the matter go to mediation.
- (9) The internal resolution may include acknowledging the concern without further investigation or offering an apology.
- (10) If the parties do not agree on the same resolution method, the matter will be referred to mediation with a recognised independent mediator with a view to resolving the matter. The mediated solution agreed by both parties is final and the matter is considered resolved. If either party is unable to agree on a mediated solution, the parties may seek to resolve the dispute in accordance with the Associations and Incorporations Act 1981 or otherwise at law.
  - (a) The costs of mediation, if any, are to be shared equally between the parties, unless otherwise agreed.
  - (b) If one party chooses to engage a legal representative, the cost is to be fully met by the party concerned.
- (11) The HBCBC Constitution 2024 Subsection 11(2) identifies the range of options available to the Management Committee when responding to a dispute.
- (12) The rights of appeal under this Policy are in accordance with the HBCBC Constitution 2024 Subsection 11(3).
- (13) When the HBCBC receives a number of vexatious disputes from the same member, the Committee may choose to issue a warning to the Complainant.
- (14) In instances where a member is the subject of multiple<sup>3</sup> disputes, or a member submits multiple disputes, the matter may be addressed by the Committee.

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<sup>3</sup> Multiple complaints in this policy is 3 or more.

- (15) No committee member with a conflict of interest or material personal interest can participate in a dispute in any capacity, including discussions, attending related meetings, providing advice or attending mediation.
- (a) A conflict of interest occurs when an individual's personal interests including family, friendships, financial, or social factors could compromise the person's judgment, decisions, or actions. A conflict of interest can be actual, potential, or perceived.
- (b) An interest would be material if the member were to receive a benefit of some substance or value and must be an interest that is specific to the member.
- (16) When dealing with a confidential dispute during a regular Committee meeting, a closed session<sup>4</sup> will be called by the President or Vice President<sup>5</sup>. The content of the closed session remains confidential and record keeping is done outside of the Minutes and is part of the disputes process.
- (17) When the Committee agrees that the matter should be investigated further, they should refer to the Disputes (Complaints, Grievance and Misconduct) Management Procedure.
- (18) When a dispute is investigated internally, both the complainant and the subject will receive individual letters outlining the outcome of the investigation.
- (19) If mediation on a complaint or grievance fails, the parties may resolve the dispute in accordance with the *Associations and Interpretations Act 1981* or otherwise at law.

#### **4 Withdrawal of a Dispute (complaint or grievance)**

A Complainant may withdraw a dispute at any time during the process. If a dispute is withdrawn, the dispute is considered void and is listed in the Disputes Register as void. No further action will be taken about withdrawn disputes unless exceptional circumstances exist (i.e. if the Committee determines the substance of the dispute could result in serious reputational, financial, or legal jeopardy for the Club). The content of the withdrawn dispute will remain confidential.

#### **5 Handling a Dispute (misconduct)**

- (1) Section 11 of the HBCBC Constitution 2024 empowers the Management Committee to undertake disciplinary provisions in regard to members of the Club who fail to observe the Rules or By-Laws<sup>6</sup>; or who commit an act deemed to bring discredit on the game of bridge, the Club or its Members.

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<sup>4</sup> A meeting within a meeting with its own rules and record keeping.

<sup>5</sup> To reflect individual right to privacy and reputation and the privacy principles regarding sensitive information.

<sup>6</sup> By-Laws are written rules of conduct made through resolution and endorsement of the Management Committee and published to its members.

- (a) Subsection 11(2) identifies the range of actions available to the Management Committee, including informal resolution, unbiased mediation, warning, censure, suspension, or termination.
  - (b) HBCBC Constitution 2024 Subsection 3(h) states that if a member has initiated a dispute in relation to the HBCBC no disciplinary action can be taken until the disputes procedure and the appeals process have been completed.
  - (c) The Committee has the power to investigate any breach under the internal resolution pathway:
    - (i) any investigation will undertake a fair hearing of the facts involved as outlined in the procedure,
    - (ii) the investigation will consider reliability and sufficiency in assessing evidence or allegations,
    - (iii) the investigation will observe the principles of natural justice, and
    - (iv) each party is to be given an opportunity to be heard on the matter, including by appointing a person to act on their behalf.
  - (d) The Committee must comply with Section 47(A)-6 of the Associations Incorporation Act 1981<sup>7</sup>.
  - (e) The Committee has the power to demand and direct apologies, reprimand, censure, warn, restrict, suspend, or expel a member deemed guilty of an offence as determined by an investigation.
- (2) If mediation is declined or fails, the Committee may:
- (a) Send a letter of caution<sup>8</sup> regarding the inappropriate behaviour and outline the expectations required by the HBCBC
  - (b) Depending on the seriousness of the breach or the persistence of the behaviour, send a letter of censure<sup>9</sup>, concerning the inappropriate behaviour and outlining the consequences of persistent breaches, including the ability to demand and direct apologies, reprimand, restrict, suspend, or expel a member.
  - (c) Should the behaviour continue, or should the subject of the complaint prove unwilling to comply with the Rules and By-laws of the Club, the Committee may resolve to restrict, suspend or expel the member.
- (3) The rights of appeal under this Policy are in accordance with the HBCBC Constitution 2024 Subsection 11(3).

## **6 Gross Misconduct**

### **(1) Definition of Gross Misconduct**

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<sup>7</sup> Queensland Government, *Associations Incorporation Act 1981, Part 5 Rules, Division 1, 47A Grievance Procedures* [<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1981-074>]

<sup>8</sup> A letter of admonishment or warning requesting the recipient to avoid such behaviour.

<sup>9</sup> A letter expressing severe disapproval of the behaviour and identifying further consequences.

Gross Misconduct relates to serious illegal acts by HBCBC members including theft, fraud, physical violence, dishonesty, discrimination, or harassment.

**(2) Handling Gross Misconduct**

- (a) All incidents of gross misconduct must be reported immediately to the HBCBC Committee in writing. Given the serious nature of these issues, the matter should be referred to the relevant authority (e.g. Police) for investigation. The Club should provide any relevant information to the authority concerned.
- (b) If a dispute involving Serious Misconduct is lodged by a Member, the Management Committee must be mindful of Section 47A (5).
- (c) In the event of Gross Misconduct, the Committee reserves the right to enact the most severe penalties including suspension or expulsion.