



Hervey Bay City Bridge Club Inc (HBCBC) Disputes, Grievances and Misconduct Procedure

Preliminary

This procedure outlines the steps to be taken to resolve disputes (complaints¹, grievances² and allegations of misconduct³ (including disciplinary matters⁴) received by the HBCBC. It is written within the guidelines of the HBCBC Disputes and Grievances Policy that was approved on 20 May 2024.

The term “disputes” has been used throughout the document.

The HBCBC focuses on finding solutions or changing behaviours rather than attributing blame. Both parties will be offered the choice of an internal resolution or external, unbiased mediation.

Both parties should attempt to resolve the dispute prior to lodging a dispute in writing.

Any review and subsequent investigation will follow the principles of natural justice. This includes providing each party with a copy of the dispute, ensuring both parties have a fair hearing and evidence is assessed based on credibility, reliability, and sufficiency.

1 Dispute received

- (1) Complaints, grievances, or reports of alleged misconduct must be sent in writing to the Secretary. Reports of alleged misconduct include inappropriate behaviours at the Club or bridge table reported by a Management Committee member or the Director of the day.
- (2) Members of the Management Committee (Committee) receiving a dispute are to refer it to the Management Committee Executive (MCE) for action.
- (3) The Club Secretary is to acknowledge the correspondence within 3 working days. The Secretary is to provide the other party with a copy of the dispute (if it has not already been provided by the Complainant). The Secretary is to advise both parties that the matter has been referred to the MCE to decide if the dispute is to proceed or not.

¹ *Complaint* – where a member of the Club notifies 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.

² *Grievance* – where a member of the Club perceives a wrong causing resentment or a feeling of being unfairly treated by another member of the Club or by a Director.

³ *Misconduct* – an 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.

⁴ *Disciplinary matters* – inappropriate behaviours against the Club Rules or By-Laws at the Club or bridge table reported by a Management Committee member or the Director of the Day

- (4) The dispute is to be recorded in the Confidential Disputes Register.
 - (a) The Disputes Register is managed by the Secretary, or the Dispute Sub-Committee (Sub-Committee) as determined by the Committee.
 - (b) The Disputes Register is confidential and not for general perusal and will not be released to any person outside the Committee.
 - (c) The Disputes Register will accurately record dates, names of complainant and the other party, allegations, assessments, and outcomes.
 - (d) 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.

2 Assessment and Initial Report

On receipt of a dispute, at least three Members of the Management Committee Executive are to determine if the dispute is to proceed or not. If for some reason three members of the MCE are unavailable or have a conflict of interest, they may be replaced by a Committee Member(s) or Club Member(s).

- (1) Assess the dispute and prepare an initial assessment report:
 - (a) Identify the party/parties and details of the dispute, including the date of the dispute and the date the dispute was lodged.
 - (b) Review the Rules or By Laws to identify any potential breaches.
 - (c) Determine if the dispute is a complaint, grievance, or an allegation of misconduct.
 - (d) Assess the dispute against the criteria outlined in the HBCBC Constitution 2024 Subsection 11(1)(h) and Subsection 3(4) of the HBCBC Disputes and Grievances Policy (2024):
 - (i) does not relate to an HBCBC matter
 - (ii) is more than 6 months old
 - (iii) either party has requested mediation
 - (iv) the dispute is against the Management Committee
 - (v) there are grounds for disciplinary action against either party
 - (vi) a process has commenced to terminate the membership of either party
 - (vii) the dispute is trivial, frivolous, vexatious, misconceived or lacking in substance
 - (viii) is not made in good faith

- (e) Invite the party/parties to provide written submissions or to attend a face-to-face discussion.
 - (f) If the dispute is trivial, frivolous, vexatious, misconceived or lacking in substance, assess the facts to determine if it should proceed or not.
 - (g) Any misconduct matter is to be referred to the Management Committee for further action.
- (2) Submit a Report to the Management Committee recommending whether the dispute should proceed or not.
 - (3) The Management Committee reviews the initial Report and decides if the recommendation to proceed or not proceed is supported.

3 Informing the Party/Parties

- (1) If the Management Committee determines that the matter is not to proceed, the party/parties are to be advised that the dispute has been dismissed. The party/parties are to be advised of the reasons for the dismissal of the dispute and their rights to appeal.
- (2) If the Management Committee determines that further investigations are necessary, the party/parties are to be advised by the Secretary of their rights under Section 11(1)(d) of the HBCBC Constitution (2024). If either party does not respond to the investigation, the Management Committee will make a decision based on the available information.
- (3) If the Management Committee determines that the dispute is to proceed, the party/parties are given the option of internal resolution or external mediation.

4 Internal Resolution

- (1) If both parties choose internal resolution, the Management Committee will encourage both parties to attempt to resolve the dispute in good faith
- (2) If the parties fail to resolve the dispute within 14 days from its initiation or do not choose external mediation, the dispute is to be investigated internally as follows:
 - (a) Appoint an Investigator(s)
 - (i) The Investigator(s) is not to have had any involvement with the dispute
 - (ii) The investigator(s) should ideally have some experience with investigating disputes
 - (b) Interview the party/parties
 - (c) Interview any witnesses
 - (d) Review the evidence and prepare a report for the Management Committee that includes:

- (i) The background to the dispute, the process involved in investigating the dispute, the scope of the investigation, and the facts uncovered by the investigation.
 - (ii) A decision about whether or not the dispute is substantiated
 - (iii) Recommended actions for complaints and grievances include acknowledgment of the concern without further action, external mediation, an apology, or a warning.
 - (iv) Recommended actions for disputes relating to misconduct include acknowledgment of the concern without further action, external mediation, an apology, a letter of caution, warning, reprimand, restriction, suspension or expulsion.
- (3) The Management Committee reviews the Report from the Investigator(s) and decides on the actions.
- (4) Before taking any disciplinary action⁵, the Management Committee is to forward the Report to the QBA for advice and guidance.
- (5) The Secretary writes to both parties outlining the outcome of the investigation.
- (6) Once the dispute is finalised, the Secretary is to inform the QBA of any disciplinary actions taken.

5 External Mediation

- (1) If the party/parties choose external mediation, the Management Committee will immediately refer the matter to external mediation.
- (2) If one party chooses internal resolution and the other party chooses external mediation, the matter is to be referred by the Management Committee to mediation.
- (3) Any dispute against the Club, a Management Committee Member or the Management Committee will immediately be referred to mediation.
- (4) The matter is to be referred to mediation with a recognised independent mediator with a view to resolving the matter. Hervey Bay has a free dispute resolution service:
 - (a) Wide Bay Dispute Resolution Centre: Level 1, Brendan Hansen Building, 50-54 Main St, Pialba; Tel: (07) 41206708; email: drc.wb@justice.qld.gov.au
- (5) Any mediation costs are to be paid equally by the parties. Any legal costs incurred by either party are the responsibility of the party engaging their legal representation.

⁵ *Disciplinary Action* – A range of outcome and penalties that may be applied including: reprimand, warning, suspend or terminate a member

6 Multiple complainants on the same matter

If two or more members initiate a dispute in relation to the same matter, the MCE may deal with the dispute in a single process. If requested, the complainants must choose one of the complainants, to represent the others in the disputes process

7 Gross Misconduct

All incidents of gross misconduct are to be reported in writing to the Management Committee who will contact the relevant authority for investigation.