



Version 08.05.2024

# Archery Queensland Grievance Procedure

## General

1. This by-law sets out a grievance procedure for dealing with a dispute under the rules between parties as mentioned in section 47A(1) of the Act. Refer to the Constitution.
2. The grievance procedure cannot be used by a person whose membership has been terminated.
3. Unless otherwise determined by the management committee, each party is to meet their own costs for the process of mediation or arbitration.

## A. Procedure

1. A member, the complainant, initiates the grievance procedure in relation to the dispute by giving a notice in writing of the dispute:
  - a) to the other party; and
  - b) if the other party is not the management committee, to the management committee.
2. If two or more members initiate a grievance procedure in relation to the same subject matter, the management committee may deal with the disputes in a single process and the members must choose one of the members (also the complainant) to represent the members in the grievance procedure.
3. Subject to rule B, the parties to the dispute must, in good faith, attempt to resolve the dispute.
4. If the parties to the dispute cannot resolve the dispute within 14 days after the complainant initiates the grievance procedure, the complainant may, within a further 7 days, request in writing for the management committee to refer the dispute to mediation.
5. Subject to rule B, if the complainant requests in writing the management committee to refer the dispute to mediation under subrule A(4), the management committee must refer the dispute within 21 days after the request.

## B. Grievance procedure not continued in particular circumstances

1. This rule applies if—
  - a) a member initiates a grievance procedure in relation to a dispute and the association or the management committee is the other party to the dispute; or
  - b) the complainant requests in writing the management committee to refer the dispute to mediation under rule A(4).
2. The management committee does not have to act under rule A (3) or A (5) if—
  - a) the complainant has, before initiating the grievance procedure, behaved in a way that would give the management committee grounds for taking disciplinary action under the rules against the complainant in relation to the matter the subject of the grievance procedure; or
  - b) before the grievance procedure has been initiated, a process had started to take disciplinary action under the rules against the complainant or terminate the membership of the complainant's membership, as provided for under the rules, and the dispute relates to that process or to a matter relevant to that process; or

- c) the dispute relates to an obligation under the Liquor Act 1992 or any other State law to prevent the entry of the complainant to, or to remove the complainant from, premises used by the association, or to refuse to serve liquor to the complainant at the premises; or
- d) the dispute is considered by the management committee in their absolute discretion to be frivolous, vexatious, misconceived, lacking in substance, factually incorrect, false, or the dispute relates to a matter that has already been subject of the grievance procedure or disciplinary process.
- e) a person making a grievance that is considered by the management committee to be frivolous, vexatious, misconceived, lacking in substance, factually incorrect or false may be subject to disciplinary action.

#### C. Appointment of mediator or arbitrator

1. If a dispute under rule A is referred to mediation,—
  - a) the parties to the dispute must choose a mediator to conduct the mediation; or
  - b) if the parties are unable to agree on the appointment of a mediator within 14 days after the dispute is referred to mediation, the mediator must be
    - i) for a dispute between a member and another member—a person appointed by the management committee; or
    - ii) for a dispute between a member and the management committee or the association—an accredited mediator or a mediator appointed by the director of the dispute resolution.
2. An accredited mediator may refuse to be the mediator, or the director of a dispute resolution centre may refuse to appoint a mediator, to mediate the dispute.
3. If subrule C (2) applies, the management committee may seek to resolve the dispute in some other way, including by arbitration or in accordance with the Act or otherwise at law.

#### D. Conduct of mediation

1. If a mediator is appointed under rule A, the mediator must start the mediation as soon as possible after the appointment and try to finish the mediation within 28 days after the appointment.
2. The mediator —
  - a) must give each party to the dispute an opportunity to be heard on the matter the subject of the dispute; and
  - b) must comply with natural justice; and
  - c) must not act as an adjudicator or arbitrator; and
  - d) during the mediation, may see the parties, with their representatives, together or separately.
3. The parties to the dispute must act reasonably and genuinely in the mediation and help the mediator to start and finish the mediation within the time required under subrule D (1)
4. If a mediator is appointed and they cannot resolve the dispute, or the dispute is not resolved by the mediator within the time required under subrule D (1), the management committee may appoint an arbitrator to decide the dispute. If the management committee does not appoint an arbitrator within a further 60 days, then the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.
5. The process for arbitration shall be determined by the management committee.

#### E. Representation for grievance procedure

1. A party to a dispute may appoint any person to act on behalf of the party in the grievance procedure.
2. If a party appoints a person under subrule E (1) to be the party's representative, the party must give written notice of the appointment to each of the following entities—
  - a) the other party to the dispute;

- b) the management committee;
  - c) if a mediator has been appointed before the party appoints the representative—the mediator.
3. A representative who acts for a party at a mediation must—
- a) have sufficient knowledge of the matter the subject of the dispute to be able to represent the party effectively; and
  - b) be authorised to negotiate an agreement for the party.

F. Electronic communication for grievance procedure

Any session required under the grievance procedure may be conducted by electronic means if the parties to the dispute and the mediator agrees.

G. Sanctions

Where the management committee appoints an arbitrator to decide the dispute, the management committee may at its absolute discretion reduce or lessen any sanctions applied or recommended by the arbitrator.