

SECTION 5 OF SSPW CONSTITUTION - GRIEVANCE PROCEDURE

18. Grievance Procedure

(1) The grievance procedure set out in this rule applies to disputes under these rules between:

- (b) a member and another member; or
- (c) a member and the Club; or
- (d) the Club and non-members who may receive services from the Club.

In this rule “member” includes any former member whose membership ceased no more than three months after the dispute occurred.

- (2) The club is not responsible for administering any grievances that directly relate to the provision of coaching services and squad selection which are the responsibility of training bodies associated with the club.
- (3) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (4) If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Secretary of the parties to, and details of, the dispute.
- (5) The Secretary must convene a committee meeting within 28 days after the Secretary receives notice of the dispute under sub-rule 18.4 for the committee to determine the dispute which may include the appointment of a mediator.
- (6) At the committee meeting all parties to the dispute must be given a full and fair opportunity to state their respective cases orally and/or in writing.
- (7) The Secretary must inform the parties to the dispute of the committee’s decision and the reasons for the decision within 7 days after the committee meeting referred to in sub-rule 18.5.
- (8) If any party to the dispute is dissatisfied with the decision they may within 14 days after receiving notice of the decision give written notice to the Secretary requesting the appointment of a mediator under sub-rule 19.2.
- (9) If the dispute being considered relate to a matter concerning the welfare of a child, the committee must have regard to the process in the Swimming Australia Policy on Child Welfare (as updated and renamed from time to time).
- (10) If the dispute relates to a committee member, it shall be considered that with respect to such dispute, the committee member has a material personal interest and therefore they must not:
 - (a) be present (in his or her capacity as a committee member) while the matter is being considered at any committee meeting; or
 - (b) vote on the matter.

19. Mediation

(1) This rule applies where a person is dissatisfied with a decision made by the committee under rule 16 and 18.

- (2) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by sub-rule 18.3 or a party to the dispute is dissatisfied with a decision under sub-rule 18.7 a party to a dispute may:
 - (a) Provide written notice to the Secretary of the parties to, and the details of, the dispute;
 - (b) Agreement to, or request the appointment of, a mediator.
- (3) The mediator must be a person chosen by agreement between the parties; or in the absence of agreement:
 - (a) a person appointed by the committee if the dispute between members;
 - (b) A member can be a mediator, but the mediator cannot be a member who is a party to the dispute.
- (4) If the dispute is between the club and a member or more than one member, an independent person must be appointed. The person who is appointed must act as a mediator for another not-for-profit body, such as a community legal centre.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (6) The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.
- (7) The mediator, in conducting the mediation, must:
 - (a) remain neutral;
 - (b) give the parties to the mediation process every opportunity to be heard;
 - (c) allow all parties to consider any written statement submitted by any party; and
 - (d) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (8) The mediator must not determine the dispute but help facilitate the parties to reach a settlement of the dispute.
- (9) The mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.
- (9) If costs are associated with the mediation, the party, or parties requesting the mediation must agree to pay the costs of the mediation.

20. Inability to Resolve Disputes

If a dispute cannot be resolved under the procedures set out in rule 18 or rule 19, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

