

# Disputes Policy



**PONY CLUB**  
WESTERN AUSTRALIA

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# REVIEW HISTORY

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Version	Date Approved	Review Date	Content reviewed/purpose
1.0	28 June 2017	June 2020	

# **DISPUTES POLICY**

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## **1. PURPOSE**

This Disputes Policy sets out the procedure Pony Club WA will follow when dealing with disputes.

Disputes that may be dealt with in accordance with this policy are those disputes that are:

- a) a dispute under a provision of the Constitution;
- b) an appeal of a decision made under the Complaints Policy; and
- c) a complaint that is determined to be inconclusive by the Chief Executive Officer (CEO).

## **2. WHO IS BOUND BY THIS POLICY**

This policy applies to the following people who are involved with the activities of Pony Club WA at a state, zone or club level, whether they are in a paid or unpaid/voluntary capacity:

- a) members, including Individual Members, Member Clubs and Life Members of Pony Club WA;
- b) riders, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Pony Club WA;
- c) any other person including parents/guardians and spectators accompanying riders or teams;
- d) Pony Club WA Board directors;
- e) persons appointed or elected to state committees, panels or task forces, and zone or club committees and sub committees;
- f) support personnel appointed or elected to state, zone and club teams and squads (e.g. managers, chaperones and/or coaches);
- g) employees of Pony Club WA; and
- h) any third parties providing services on behalf of Pony Club WA.

This policy will continue to apply to a person even after he or she has stopped their association or employment with Pony Club WA, if disciplinary action against that person has commenced whilst he or she was associated with or employed by Pony Club WA.

## **3. POLICY PRINCIPLES**

- a) Disputes are treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- b) The dispute resolution process is managed with fairness and equity.
- c) The principles of natural justice and procedural fairness are adopted at every stage of the process.
- d) All disputes are acknowledged in writing and finalised as soon as practicable.
- e) In the interest of confidentiality, the number of people involved in the resolution process is kept to a minimum.

- f) Victimisation of complainants, respondents or anyone else involved in the dispute resolution process will not be tolerated.
- g) The outcomes disputes are fed into continuous improvement initiatives.
- h) The Disputes Policy is publicly available.
- i) Any reasonable costs relating to the dispute process set out in this policy are to be met by Pony Club WA, the Member Club, Zone or Individual Member as determined by the Board.

## 4. PROCEDURE

The following procedure will be followed by a Dispute Committee established by Pony Club WA.

1. In the case of disputes under clause 13 of the Constitution:
  - a) either the complainant or respondent may initiate this procedure by giving a written notice to the Board Chairperson identifying the parties to the dispute and the subject of the dispute;
  - b) paying the dispute fee of \$200 to Pony Club WA; and
  - c) within 28 days of receipt of the notice, the Chairperson must refer the dispute to the Dispute Committee.
2. In the case of an appeal of a decision made under the Complaints policy:
  - a) either the complainant or respondent may initiate this procedure by giving a written notice to the Chairperson identifying the parties to the dispute and the subject of the dispute;
  - b) paying the dispute fee of \$200 to Pony Club WA; and
  - c) within 28 days of receipt of the notice, the Chairperson must refer the dispute to the Dispute Committee.
3. In the case where the CEO has determined that a matter is of a sufficiently serious nature to be referred to the Board;
  - a) the CEO may initiate this procedure by giving a written notice to the Chairperson identifying the parties to the dispute and the subject of the dispute; and
  - b) within 28 days of receipt of notice, the Chairperson must refer the dispute to the Dispute Committee.
4. The composition of the Dispute Committee shall be determined by the Board, in its sole discretion, provided that the Dispute Committee shall consist of at least three people and may include Members or appropriately qualified or experienced persons who are not Members.
5. The Dispute Committee will be provided with a copy of all relevant correspondence, reports or information relating to the complaint/allegations.
6. The Dispute Committee must convene a meeting as soon as practicable to determine the dispute using any medium by which each of the participants can simultaneously hear all the other participants (including telephone, video conferencing or any other means of instant communication).
7. The Dispute Committee shall give all parties at least 14 days' written notice of the date, time and place of the meeting, informing them that they may attend the meeting (in person or via

telephone, video conferencing or any other available means) and make oral or written submissions (or both).

8. The parties to the meeting shall include the complainant, respondent, relevant organisation (such as Pony Club WA or the Member Club) and any witnesses which the Dispute Committee considers necessary to participate.
9. At the meeting, the Dispute Committee must give each party to the dispute, or the party's representative, a full and fair opportunity to make oral or written submissions.
10. The Dispute Committee will determine the dispute, or if it thinks appropriate, refer the dispute to an alternative dispute resolution process.
11. Written notice of the Dispute Committee's decision must be given to all parties to the dispute within 14 days after the Dispute Committee meeting.
12. If the Dispute Committee determines the dispute and thinks disciplinary action is appropriate, it shall provide a report to the Board outlining its recommendations for disciplinary measures.
13. Following the Dispute Committee's decision, any party to the dispute may apply to the State Administrative Tribunal, or any other appropriate body, to determine the dispute in accordance with the *Associations Act 2015* or other applicable laws.
14. No party to the Dispute Committee meeting may have legal representation. A party may be assisted by a support person at a Dispute Committee meeting. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.
15. If the dispute is upheld, the dispute fee of \$200 will be refunded to the complainant or respondent as appropriate.

## **5. RECORDS MANAGEMENT**

Records of all disputes are maintained securely. Records of disputes include:

- a) the dispute;
- b) how the dispute was dealt with; and
- c) the outcome of the dispute.

## **6. ASSOCIATED DOCUMENTS**

- a) Member Protection Policy
- b) Complaints Policy
- c) Discipline Policy
- d) Constitution