



ABN:95 174 213 987

## POLICY FOR APPEALS, DISPUTES and COMPLAINTS

	<b>Revision History</b>
July 2015	Copied from existing documents and reformatted
November 2021	Document revised to match 2021 Constitution
January 2022	Selection Decision Appeal Added
June 2023	Updated

<b>Review Dates</b>
1 July 2016
1 July 2018
1 July 2020
3 Oct 2024

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## **1. INTRODUCTION**

This document contains the Croquet NSW (CNSW) policy for the discipline of members, the resolution of disputes, the handling of complaints, and the selection appeals process.

## **2. DISPUTES**

### **2.1 Definition**

Members are referred to clause 10 of the current Croquet NSW Constitution. This Policy is designed to meet the requirements of that clause.

### **2.2 Resolution**

- a) A dispute should be resolved by the parties involved.
- b) If the dispute requires any intervention by the Board, the guiding principle shall be that of procedural fairness and ‘Natural Justice’, which is to say
  - i. that all parties shall have an opportunity to state their case, and (
  - ii. that no-one involved in making a decision on the matter shall have any interest in the outcome.
- c) If the dispute cannot be resolved, then the board shall refer it an alternative dispute resolution pathway, for example:
  - i. In NSW, a Community Justice Centre (<http://www.cjc.justice.nsw.gov.au>); or
  - ii. In the ACT and immediate regions, the Conflict Resolution Service (<http://www.crs.org.au>).

**Note:** The ACA Member Protection Policy (ACA MPP) is not a policy designed to resolve disputes, and CNSW will not progress a dispute via the ACA MPP.

## **3. DISCIPLINE OF MEMBER CLUB or REGISTERED PLAYER**

Members are referred to clauses 11 of the current CNSW Constitution.

### **3.1 Right of Appeal of Disciplined Member Club or Registered Players**

Members are referred to clause 12 of the current CNSW Constitution.

## **4. COMPLAINTS**

Members are referred to clause 11 of the current CNSW Constitution.

## **5. APPEALS AGAINST A SELECTION DECISION, OR REMOVAL OR REPLACEMENT FROM A STATE TEAM SQUAD OR STATE TEAM.**

The clause applies from the time when a selection decision is notified to the player ~~made until~~ the cut-off date for notification by CNSW to the ACA of team members for the ISC or ISS. During that period –

- a) A player may appeal their non-selection to a State Squad or State Team or their replacement or removal from a State Squad or State Team.

- b) The appeal will be conducted under different conditions from those indicated in clause 12 of the constitution, and the provisions set out in 5.1 below will apply.

### 5.1 Appeals

The only grounds for appeal are that the Selection Policy was not properly followed and /or implemented.

**Step 1** The player must give notice of intention to appeal to the CNSW Secretary, or the Selection Committee Chair, within seven business days of the decision being notified to them, and such notice must include the grounds for appeal.

**Step 2** Within seven business days after receipt of such notice, the Secretary must ensure that the appeal meets the grounds and provide a summary to the player of the reasons for non-selection or removal from the State Squad or Team. Appeals which do not meet the grounds will not proceed further and the player advised accordingly

Following completion of the above, the Board will, as soon as possible convene an Appeals Tribunal unless that is, the appeal has been nullified.

### 5.2 The Appeals Tribunal.

- a) The Tribunal shall comprise three persons appointed by the Board:
  - i. A person who shall act as Chair of the Tribunal and.
  - ii. A person with a sound knowledge of elite croquet; and
  - iii. A person who has experience and skills suitable to the function of the Tribunal. This can be a person with knowledge of the Selection Policy.
- b) Persons are not eligible to be appointed to the Tribunal if that person is:
  - i. a Director of CNSW or the Selection Committee concerned, or is eligible for selection to the team, or by reason of their relationship with the appellant or
  - ii. a member of the Selection Committee that may be seen as rendering that person as other than impartial in the consideration of the appeal.
- c) The Chair of the Tribunal, in consultation with the other members, shall determine the manner in which an appeal is to be determined, which may include the use of technology such as conference calls, video conferencing, or such other medium as agreed. The Tribunal will determine if oral submissions are required.
- d) The Tribunal is not bound by the rules of evidence but must observe the principles of procedural fairness. The Tribunal may obtain information from any player likely to be disadvantaged by its decision.
- e) No party to the appeal shall be legally represented, except where the Tribunal believes that legal representation is warranted in the case of complex legal issues. However, written submissions may be made to the Tribunal by the legal representatives of the appellant or the Selection Committee.

### 5.3 The Tribunal Decision

- a) The Tribunal shall give its decision as soon as practicable after the hearing.

- b) The Tribunal may dismiss an appeal, uphold an appeal, or refer the issue back to the Selection Committee for reconsideration.
- c) The Tribunal shall provide the CNSW Secretary and the appellant with a statement outlining the reasons for its decision.
- d) If the matter is sent back to the Selection Committee, the Selection Committee will consider the Tribunal's reasons for the referral when reconsidering their decision. The decision of the Selection Committee shall be final, and no further appeal can be considered.

EoD