



Egmont Athletics Dispute and Complaint Resolution Process

1.0 Meanings of dispute and complaint

- 1.1 A dispute is a disagreement or conflict involving the **Club** and/or its **Members** in relation to specific allegations set out below.
- 1.2 The disagreement or conflict may be between any of the following persons—
 - 1.2.1 2 or more **Members**
 - 1.2.2 1 or more **Members** and the **Club**
 - 1.2.3 1 or more **Members** and 1 or more **Officers**
 - 1.2.4 2 or more **Officers**
 - 1.2.5 1 or more **Officers** and the **Club**
 - 1.2.6 1 or more **Members** or **Officers** and the **Club**.
- 1.3 The disagreement or conflict relates to any of the following allegations—
 - 1.3.1 a **Member** or an **Officer** has engaged in misconduct
 - 1.3.2 a **Member** or an **Officer** has breached, or is likely to breach, a duty under the **Club's Constitution** or bylaws or the **Act**
 - 1.3.3 the **Club** has breached, or is likely to breach, a duty under the **Club's Constitution** or bylaws or the **Act**
 - 1.3.4 a **Member's** rights or interests as a **Member** have been damaged or **Member's** rights or interests generally have been damaged.
- 1.4 A **Member** or an **Officer** may make a complaint by giving to the **Committee** (or a complaints subcommittee) a notice in writing that—
 - 1.4.1 states that the **Member** or **Officer** is starting a procedure for resolving a dispute in accordance with the **Club's Constitution**; and
 - 1.4.2 sets out the allegation(s) to which the dispute relates and whom the allegation or allegations is or are against; and
 - 1.4.3 sets out any other information or allegations reasonably required by the **Club**.
- 1.5 The **Club** may make a complaint involving an allegation against a **Member** or an **Officer** by giving to the **Member** or **Officer** a notice in writing that—
 - 1.5.1 states that the **Club** is starting a procedure for resolving a dispute in accordance with the **Club's Constitution**; and
 - 1.5.2 sets out the allegation to which the dispute relates.
- 1.6 The information setting out the allegations must be sufficiently detailed to ensure that a person against whom an allegation or allegations is made is fairly advised of the allegation or allegations concerning them, with sufficient details given to enable that person to prepare a response.
- 1.7 A complaint may be made in any other reasonable manner permitted by the **Club's Constitution**.
- 1.8 All **Members** (including the **Committee**) are obliged to cooperate to resolve disputes efficiently, fairly, and with minimum disruption to the **Club's** activities.
- 1.9 The complainant raising a dispute, and the **Committee**, must consider and discuss whether a dispute may best be resolved through informal discussions, mediation,



arbitration, or a tikanga-based practice. Where mediation or arbitration is agreed on, the parties will sign a suitable mediation or arbitration agreement.

2.0 How complaint is made

- 2.1 A **Member** or an **Officer** may make a complaint by giving to the **Committee** (or a complaints subcommittee) a notice in writing that—
 - 2.1.1 states that the **Member** or **Officer** is starting a procedure for resolving a dispute in accordance with the **Club's Constitution**; and
 - 2.1.2 sets out the allegation or allegations to which the dispute relates and whom the allegation is against; and
 - 2.1.3 sets out any other information reasonably required by the **Club**.
- 2.2 The **Club** may make a complaint involving an allegation or allegations against a **Member** or an **Officer** by giving to the **Member** or **Officer** a notice in writing that—
 - 2.2.1 states that the **Club** is starting a procedure for resolving a dispute in accordance with the **Club's Constitution**; and
 - 2.2.2 sets out the allegation to which the dispute relates.
- 2.3 The information given under subclause (2.1.2) or (2.2.2) must be sufficient to ensure that a person against whom an allegation is made is fairly advised of the allegation or allegations concerning them, with sufficient details given to enable that person to prepare a response.
- 2.4 A complaint may be made in any other reasonable manner permitted by the **Club's Constitution**.



3.0 Person who makes complaint has right to be heard

- 3.1 A **Member** or an **Officer** who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined.
- 3.2 If the **Club** makes a complaint—
 - 3.2.1 the **Club** has a right to be heard before the complaint is resolved or any outcome is determined; and
 - 3.2.2 an **Officer** may exercise that right on behalf of the **Club**.
- 3.3 Without limiting the manner in which the **Member**, **Officer**, or **Club** may be given the right to be heard, they must be taken to have been given the right if—
 - 3.3.1 they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - 3.3.2 an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - 3.3.3 an oral hearing (if any) is held before the decision maker; and
 - 3.3.4 the **Member's**, **Officer's**, or **Club's** written or verbal statement or submissions (if any) are considered by the decision maker.

4.0 Investigating and determining dispute

- 4.1 The **Club** must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its **Constitution**, ensure that the dispute is investigated and determined.
- 4.2 Disputes must be dealt with under the **Constitution** in a fair, efficient, and effective manner and in accordance with the provisions of the **Act**.

5.0 Club may decide not to proceed further with complaint

- 5.1 Despite the 'Investigating and determining dispute' rule above, the **Club** may decide not to proceed further with a complaint if—
 - 5.1.1 the complaint is considered to be trivial; or
 - 5.1.2 the complaint does not appear to disclose or involve any allegation of the following kind:
 - 5.1.2.1 that a **Member** or an **Officer** has engaged in material misconduct:
 - 5.1.2.2 that a **Member**, an **Officer**, or the **Club** has materially breached, or is likely to materially breach, a duty under the **Club's Constitution** or bylaws or the **Act**:
 - 5.1.2.3 that a **Member's** rights or interests or **Members'** rights or interests generally have been materially damaged:
- 5.2 the complaint appears to be without foundation or there is no apparent evidence to support it; or
- 5.3 the person who makes the complaint has an insignificant interest in the matter; or

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- 5.4 the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the **Constitution**; or
- 5.5 there has been an undue delay in making the complaint.

6.0 Club may refer complaint

- 6.1 The **Club** may refer a complaint to—
 - 6.1.1 a subcommittee or an external person to investigate and report; or
 - 6.1.2 a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.
- 6.2 The **Club** may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

7.0 Decision makers

- 7.1 A person may not act as a decision maker in relation to a complaint if 2 or more members of the **Committee** or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be—
 - 7.1.1 impartial; or
 - 7.1.2 able to consider the matter without a predetermined view.