



White Hills Bowls Club Inc. (WHBC)

Regulation #1

Complaints Procedure

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Regulation #1 – Complaint Procedure

Regulation - Rule Ratification / Alteration

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Glossary / Definitions

Term	Definition
<i>"Abuse towards umpire"</i>	The abuse can be <u>verbal abuse</u> (such as <u>name calling</u>), or <u>physical abuse</u> (such as <u>punching</u>). In the WHBC physical contact with an umpire is a reportable offence. The use of minor indecent language or threatening behaviour are reportable offences in the WHBC. Abuse in general terms would be acts akin to alleging the umpire is cheating, that he has accepted a bribe or anything that impinges upon the character of the umpire. The actual abuse does not necessarily need to be heard by the umpire but would require another person to refer the incident to the CAO at the WHBC.
<i>"Balance of Probabilities"</i>	"One party's case needs only be more probable than the other. The corollary of this is the rare occurrence when the evidence is evenly balanced. In that case, victory goes to the defendant as the burden of proof is with the plaintiff, who initiates legal proceedings"
<i>"Board of Management"</i>	The elected officials that are to govern the White Hills Bowls Club Inc.
<i>"Bring the game of bowls into disrepute"</i>	A Participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour." By way of example a current player convicted of a drug offence and it is known that he plays bowls could bring the game into disrepute. An administrator of a bowls club could be held to bring the game of bowls into disrepute if found to have stolen from the bowls club or others associated with bowls. A coach of a bowls side is convicted of Family Violence.
<i>"Complaints Administration Officer (CAO)"</i>	The official selected by the WHBC Board of Management to manage all complaints
<i>"Disrespectful behaviour"</i>	To disrespect someone is to act in an insulting way toward them. When you disrespect people, you think very little of them. Disrespect is all about not showing respect. It's about showing the opposite of respect, by acting rude, impolite, and offensive.
<i>"Egregious misconduct"</i>	Egregious meaning outstandingly bad, shocking in nature and Misconduct meaning unacceptable or improper behaviour. Example - a player is reported for using threatening language, the player before departing escalates incident by using extreme indecent language and gestures and continues to make threats. Offence to be utilised along with minor, moderate and significant incidents that may have also been committed.
<i>"Intimidating Play"</i>	To frighten or scare an opponent during a game by action, deed or verbal interaction.
<i>"Malicious Game Play"</i>	In reference to throwing a "bowl" in such way that could have the possible effect of injuring another player or spectator. Any act that could be construed as dangerous and done with malicious intent.
<i>"Natural Justice"</i>	The key elements to natural justice are as follows: <ol style="list-style-type: none"> That the person charged with the offence has the right to know what they have allegedly done. To comply with this obligation, it is necessary for not only the rule which has been breached to be quoted, but also the person is entitled to know the particulars of what they allegedly have done. The tribunal must not be biased. This is often where natural justice fails in that the tribunal is biased. Often some excuse is used to justify persons who have prejudged the matter sitting in the determination of the matter. The person is entitled to be heard in their own defence. A reasonable opportunity needs to be given to the person and where there is a reasonable explanation adjournment should be given to fully allow a person the opportunity to be heard. There are a couple of other issue which are not strictly principles of natural justice but lead to the provision of natural justice. <ol style="list-style-type: none"> The right of the person charged to receive all of the material which has been provided to the tribunal in sufficient time to enable them to

	<p>consider the material to enable appropriate submissions to be made and potentially conflicting evidence to be provided.</p> <ol style="list-style-type: none"> 2. It is often considered that the right to be legally represented is a right of natural justice. That is not the case. Often rules of organisations in fact strictly prohibit the right to be legally represented before the tribunal. Tribunals should act fairly in that regard in all of the circumstances and consider the ability of the person to represent themselves, particularly in matter which has serious consequences. I think careful consideration needs to be given as to whether a person should be allowed to be represented by competent counsel. 3. There is a requirement to reach a reasoned and unbiased decision. Unless the rules of the organisation provide, there is no strict obligation for the tribunal to provide reasons. 4. The final matter is a requirement that if there are rights of appeal from the tribunal, that the respondent is notified of those appeal rights.
<i>"Sledging"</i>	A term to describe the practice whereby some players seek to gain an advantage by insulting or verbally intimidating the opposing player. The purpose is to try to weaken the opponent's concentration, thereby causing them to make mistakes or underperform.
<i>"Unsportsmanlike conduct"</i>	Unsportsmanlike conduct (also called unsporting behaviour or ungentlemanly conduct or bad sportsmanship or poor sportsmanship) is a <u>foul</u> or offense that violates the sport's generally accepted rules of <u>sportsmanship</u> and participant conduct. Examples include <u>verbal abuse</u> or taunting of an opponent, an excessive celebration following a scoring play, or feigning injury.
<i>"Vilification - Racial, Religious and Gender"</i>	<p>Means a person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of their race by threatening or inciting other to threaten physical harm to the person, or members of the group, or to property of the person or members of the group.</p> <p>Behaviour that is likely to be racial, religious or gender vilification includes -</p> <ul style="list-style-type: none"> • speaking about a person's race, religion or gender in a way that could make other people hate or ridicule them • publishing claims that a racial, religious or gender group is involved in serious crimes without any proof • repeated and serious spoken or physical abuse about the race, religion or gender of another person • encouraging violence against people who belong to a particular race, religion or gender also includes damaging their property • encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech or publication, or using websites or email. <p>Vilification is behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of a person or group of people because of their gender, ability, cultural background, religion and sexual orientation. The legal definition is conduct that 'incites hatred, serious contempt, revulsion or severe ridicule.'</p>
<i>"WHBC"</i>	White Hills Bowls Club Inc.

COMPLAINTS PROCEDURE

A complaint can be about an act, behaviour, omission, situation or decision that someone thinks is unfair, unjustified, unlawful and/or a breach of WHBC Code of Conduct, Regulations or policies. Complaints will always vary. They may be about individual or group behaviour; they may be extremely serious or relatively minor; they may be about a single incident or a series of incidents; and the person about who the allegation is made may admit to the allegations or emphatically deny them.

Given all the variables that can arise, the White Hills Bowls Club (WHBC) provides a step-by-step complaint procedure that people may use/enter at any stage. WHBC members to which this policy applies may also pursue their complaint externally under antidiscrimination, child-protection or other relevant legislation.

If at any point in the complaint process the Complaints Administration Officer (CAO) considers that a complainant has **knowingly** made an untrue complaint or the complaint is vexatious or malicious, the matter will be referred WHBC Board of Management for appropriate action. All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.

Step 1

As a first step you (the complainant) should try to sort out the problem with the person or people involved if you feel able to do so.

Step 2

If:

- 2.1 the first step is not possible/reasonable; or
- 2.2 you are not sure how to handle the problem by yourself; or
- 2.3 you just want to talk confidentially about the problem with someone and get some more information about what you can do; or
- 2.4 the problem continues after you tried to approach the person or people involved; then
 - 2.5.1 either complete a WHBC Report Sheet Form #1 and forward to the CAO within 72 hours of the incident; or
 - 2.5.2 talk with the WHBC CAO who will assist you.

The CAO will:

- 2.6 take notes about your complaint (which will keep in a secure and confidential place) and;
- 2.7 try to sort out the facts of the problem;
- 2.8 ask what outcome/how you want the problem resolved and if you need support;

- 2.9 provide possible options for you to resolve the problem;
- 2.10 explain how our complaints procedure works;
- 2.11 act as a support person if you so wish;
- 2.12 refer you to an appropriate person to help you resolve the problem, if necessary;
- 2.13 inform the relevant government authorities and/or police if required by law to do so; and maintain strict confidentiality.

Step 3

After talking with the CAO, you may decide:

- 3.1 there is no problem;
- 3.2 the problem is minor, and you do not wish to take the matter forward;
- 3.3 to try and work out your own resolution (with or without a support person such as a CAO); or
- 3.4 to seek an informal mediated resolution with the help of a third person (such as a mediator). If you wish to remain anonymous, the WHBC can't assist you to resolve your complaint. We must follow the principles of natural justice and be fair to both sides. This means that the WHBC or you may be required to provide the person/people you have complained about with full details of the complaint, so they have a fair chance to respond to all the allegations.

Step 4

If your complaint is not resolved to your satisfaction, you may:

- 4.1 make a formal complaint in writing to the WHBC CAO who will request that you complete a WHBC Report Sheet (WHBC Form #1) or;
- 4.2 approach a relevant external agency such as an equal opportunity commission, for advice.

Step 5

If you decide to make a formal complaint in writing under **Step 4**, the CAO will, on receiving the formal complaint and based on the material you have provided, decide whether:

- 5.1 they are the most appropriate person to receive and handle the complaint;
- 5.2 the nature and seriousness of the complaint warrants a formal resolution procedure. Some complaints may be of a minor and/or purely personal nature with no connection to the activities of the WHBC. In these cases, the CAO may determine that the complaint does not warrant a formal resolution procedure;
- 5.3 to appoint a person to investigate the complaint;
- 5.4 to refer the complaint to an informal or formal mediation session;
- 5.5 decide if it is a Minor, Moderate or Significant Offence as per WHBC Regulation #2.1 Code of Conduct or Regulation #2.2 Reportable Incidents and follow the procedures for dealing with same. This includes for nominated Moderate offences and all Significant Offences to be referred to the Independent Tribunal;
- 5.6 to refer the matter to the police or other appropriate authority; and/or
- 5.7 to implement any interim administrative or other arrangements that will apply until the complaint process set out in these Procedures is completed.

In making the decision(s) outlined above, the CAO will take into account:

- 5.8 whether they have had any personal involvement in the circumstances giving rise to the complaint and, if so, whether their ability to impartially manage the complaint is compromised or may appear to be compromised;
- 5.9 whether, due to the nature of the complaint, specific expertise or experience may be required to manage the complaint;
- 5.10 your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled;
- 5.11 whether, due to the nature of the complaint, the relationship between you and the respondent and any other relevant factors, the complaint should be referred (or should not be referred) to informal or formal mediation or to a hearings tribunal. Relevant factors may include an actual or perceived power imbalance between you and the respondent, the nature of any ongoing working relationship between you and the respondent, and the personal attributes of you and the respondent (for example, if one party does not speak English fluently, some of the possible complaints resolution mechanisms may not be appropriate);
- 5.12 the nature and sensitivity of any information or other material that must be provided by you, the respondent, and any of the other people involved in the complaint;
- 5.13 whether the facts of the complaint are in dispute; and

- 5.14 the urgency of the complaint, including the likelihood and the consequences (if the complaint is ultimately proven) that you will be subject to further unacceptable behaviour while the complaint process set out in these Procedures is being conducted. If the CAO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:
- 5.15 get full information from you (the complainant) about your complaint and how you want it resolved (if this information has not already been obtained through earlier steps);
- 5.16 put the information they have received from you to the person/people you're complaining about and ask them to provide their side of the story;
- 5.17 decide whether they have enough information to determine whether the matter alleged in your complaint did or didn't happen; and/or
- 5.18 determine what, if any, further action to take. This action may include
 - 5.18.1 Disciplinary action in accordance with WHBC Regulation #2.1 and #2.2.;
 - 5.18.2 Appointing a person to investigate the complaint;
- 5.19 Referring the complaint to an informal or a formal mediation session, as per WHBC Regulation #3; or
 - 5.18.4 An Independent Tribunal; and/or
 - 5.18.5 Referring the complaint to the police or other appropriate authority.

Step 6

If:

- 6.1 a person is appointed to investigate the complaint under **Step 5**, the investigator will conduct the investigation and provide a written report to the CAO who will determine what, if any, further action to take. This action may include a direction to the investigator to make further enquiries and obtain additional information, disciplinary action in accordance with WHBC Regulation #2.1 or #2.2, and referring the complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority;
- 6.2 the complaint is referred to an informal or a formal mediation session under **Step 5**, the mediation session will be conducted in accordance with the WHBC Regulation #3 - Mediation or as otherwise agreed by you and the respondent;
- 6.3 the complaint is referred to a Independent Tribunal under Step 5, the hearing will be conducted in accordance with WHBC Regulation #4 -Tribunal Procedure;
- 6.4 the complaint is referred to the police or other appropriate authority under **Step 5**, WHBC will use its best endeavours to provide all reasonable assistance lawfully required by the police or other appropriate authority; and
- 6.5 interim administrative or other arrangements are implemented under **Step 5**, WHBC will periodically review these arrangements to ensure that they are effective.
- 6.6 Any costs relating to the complaint process set out in this Regulation (e.g. investigation and/or mediation and/or hearings panel) are to be met by WHBC unless otherwise stated.

Step 7

If, under **Step 6**, an informal or formal mediation session is conducted, and you and the respondent(s) cannot reach a mutually acceptable mediated solution to the complaint, you may request WHBC COA to reconsider the complaint in accordance with **Step 5**.

You or the respondent(s) may be entitled to appeal where:

- 7.1 under **Step 5**, a decision was made by the CAO's:
 - 7.1.1 not to take any action;
- 7.2 under **Step 6**, a decision was made by WHBC Tribunal panel:
 - 7.2.1 to take disciplinary action.
- 7.3 The grounds for appeal and the process for appeals under this are listed at WHBC Regulation #7 – Appeal against Independent Tribunal Decision.
- 7.4 If the internal complaints processes set out in this Regulation do not achieve a satisfactory resolution/outcome for you, or if you believe it would be impossible to get an impartial resolution within the WHBC, you may choose to approach an external agency such as an equal opportunity commission to assist with a resolution.

Step 8

The Complaint Administration Officer (CAO) will document the complaint, the process followed and the outcome.

This document will be stored in a confidential and secure place.

White Hills Bowls Club (WHBC) Complaints Procedure

Adapted from - Bowls Victoria Membership Protection Policy January 2011

Reference –

White Hills Bowls Club Regulation #2.1 Code of Conduct

White Hills Bowls Club Regulation #2.2 Methodology of Reporting Incidents & Schedule of Incidents

White Hills Bowls Club Regulation #2.3 Process for COA & Tribunal Decisions

White Hills Bowls Club Regulation #3 Mediation

White Hills Bowls Club Regulation #4 Tribunal Hearing Procedure