



Disputes and Resolution Procedure

1. How complaint is made

1. A member (Committee members, coaches, parents) or an officer of Golden Bay Swimming Inc. may make a complaint by giving to the committee a notice in writing that –
 - a. states that the member or officer is starting a procedure for resolving a dispute in accordance with Golden Bay Swimming Inc.'s constitution; and
 - b. sets out the allegation to which the dispute relates and whom the allegation is against; and
 - c. sets out any other information reasonably required by Golden Bay Swimming Inc.
2. Golden Bay Swimming Inc. 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 –
 - a. states that Golden Bay Swimming Inc. is starting a procedure for resolving a dispute in accordance with Golden Bay Swimming Inc.'s constitution; and
 - b. sets out the allegation to which the dispute relates.
3. The information given under subclause 1b. or 2b. must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
4. A complaint may be made in any other reasonable manner for example: email, verbal, text.

2. Person who makes complaint has right to be heard

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.
2. If Golden Bay Swimming Inc. makes a complaint –
 - a. Golden Bay Swimming Inc. has a right to be heard before the complaint is resolved or any outcome is determined; and
 - b. an officer may exercise that right on behalf of Golden Bay Swimming Inc..
3. Without limiting the manner in which the member, officer, or Golden Bay Swimming Inc. may be given the right to be heard, they must be taken to have been given the right if –
 - a. they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - b. an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and

- c. an oral hearing (if any) is held before the decision maker; and
- d. the member's, officer's, or Golden Bay Swimming Inc.'s written statement or submissions (if any) are considered by the decision maker.

3. Person who is subject of complaint has right to be heard

1. If a complaint involves an allegation that a member, an officer, or Golden Bay Swimming Inc. (the respondent) —
 - a. has engaged in misconduct; or
 - b. has breached, or is likely to breach, a duty under the society's constitution or bylaws or the Incorporated Societies Act 2022; or
 - c. has damaged the rights or interests of a member or the rights or interests of members generally.
2. The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
3. If the respondent is Golden Bay Swimming Inc., an officer may exercise the right on behalf of the Golden Bay Swimming Inc..
4. Without limiting the manner in which a respondent may be given a right to be heard, a respondent must be taken to have been given the right if —
 - a. the respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response; and
 - b. the respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - c. an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - d. an oral hearing (if any) is held before the decision maker; and
 - e. the respondent's written statement or submissions (if any) are considered by the decision maker.

4. Investigating and determining dispute

1. Golden Bay Swimming Inc. must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with Golden Bay Swimming Inc. Dispute Resolution Procedure, section 1, ensure that the dispute is investigated and determined.
2. Disputes must be dealt with under Golden Bay Swimming Inc.'s Dispute Resolution Procedure in a fair, efficient, and effective manner.

5. Golden Bay Swimming Inc. may decide not to proceed further with complaint

Despite the clause 'Investigating and determining dispute' above, Golden Bay Swimming Inc. may decide not to proceed further with a complaint if —

- a. the complaint is trivial; or
- b. the complaint does not appear to disclose or involve any allegation of the following kind:
 - i. that a member or an officer has engaged in material misconduct:

- ii. that a member, an officer, or Golden Bay Swimming Inc. has materially breached, or is likely to materially breach, a duty under the society's constitution or bylaws or the Incorporated Societies Act 2022:
- iii. that a member's rights or interests or members' rights or interests generally have been materially damaged:
- c. the complaint appears to be without foundation or there is no apparent evidence to support it; or
- d. the person who makes the complaint has an insignificant interest in the matter; or
- e. the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
- f. there has been an undue delay in making the complaint.

6. Golden Bay Swimming Inc. may refer complaint:

- 1. Golden Bay Swimming Inc. may refer a complaint to —
 - a. a subcommittee or an external person to investigate and report; or
 - b. a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.
- 2. Golden Bay Swimming Inc. 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. Decision makers

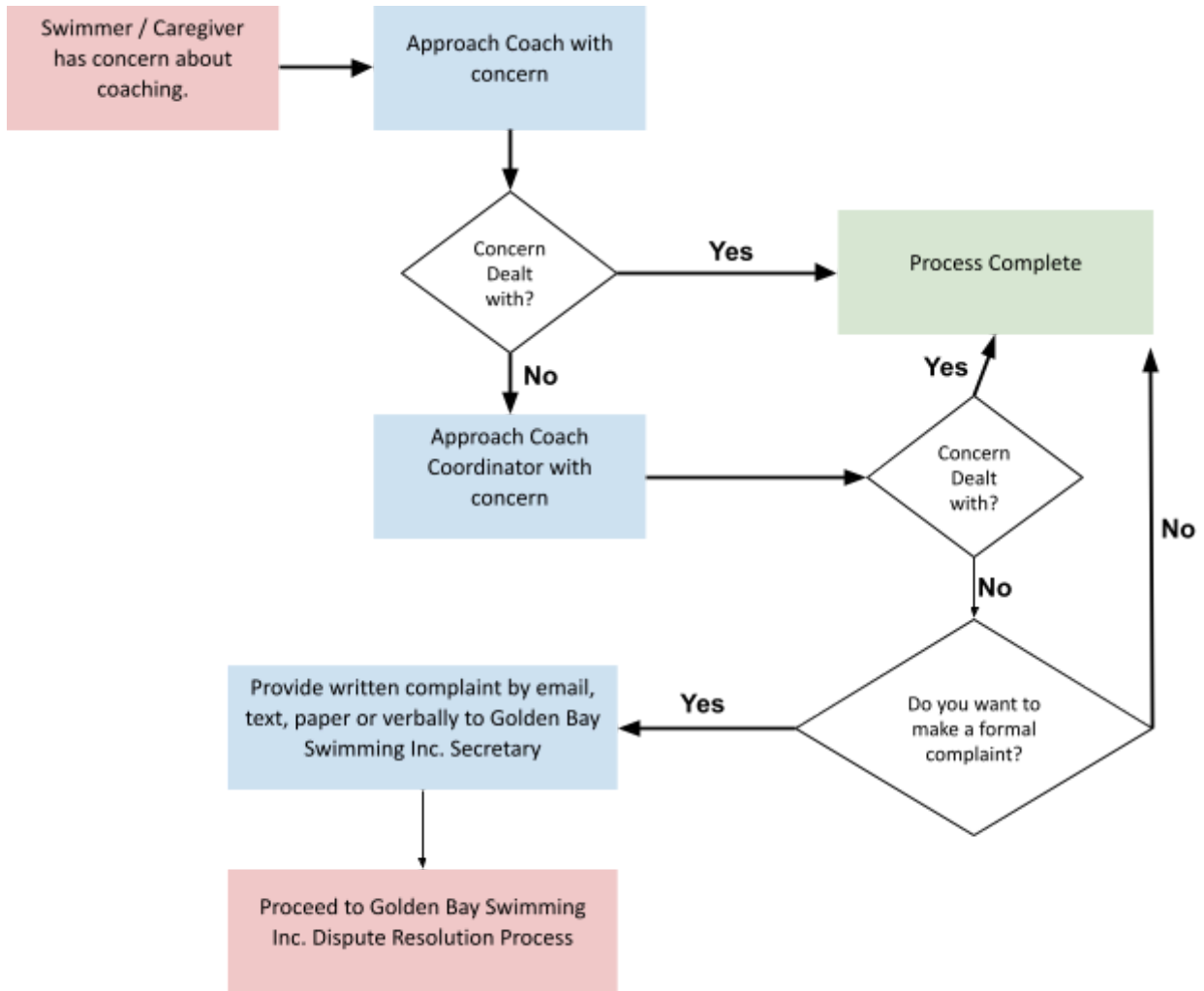
A person may not act as a decision maker in relation to a complaint if 2 or more members of the committee or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be —

- a. impartial; or
- b. able to consider the matter without a predetermined view.

Policy	Disputes Resolution
Version	1.0
Date	30-01-26
Review Period	Annually
Reviewed by	Committee

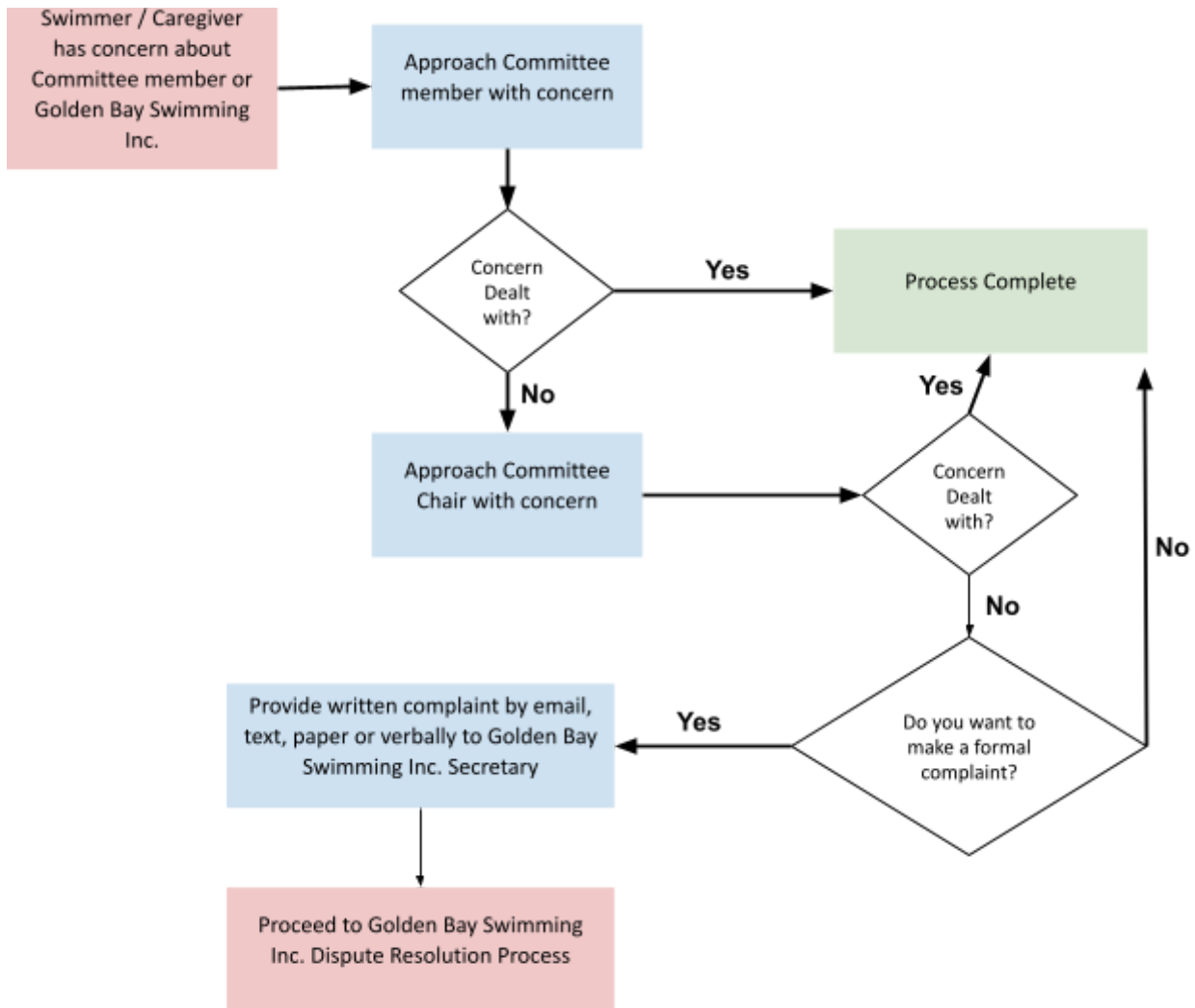
Raising a Concern with Golden Bay Swimming Inc.

About Coaching



Raising a Concern with Golden Bay Swimming Inc.

About a Committee Member or Golden Bay Swimming Inc. Non Coaching Matters



Making a Formal Complaint to Golden Bay Swimming Inc.

