



Procedure for resolving grievances

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Fore note

Often an issue may be successfully resolved through an informal discussion between parties. This action is highly encouraged to resolving issues in the first instance, as an alternative to commencing a formal grievance process.

The procedure described in this document does not apply if a grievance relates to a breach of the Dogs Queensland Rules or Code of Ethics. A grievance of this nature must be made in accordance with the procedure described in the Dogs Queensland Rules.

Introduction

The Cairns City Kennel Club Inc (CCKC) is committed to fostering a fair and inclusive club environment where all individuals feel respected and valued. The purpose of our grievance procedure is to provide a transparent and accessible framework for resolving conflicts promptly and equitably. The club recognises grievances may arise from various situations, including but not limited to perceived unfair treatment, discrimination, harassment, or breach of the club's rules, by-laws, policies and procedures.

Purpose

In accordance with rules 6.32 and 6.33 of the CCKC Rules of Association, this operating procedure sets out a process for dealing with a grievance/s between:

- A member and another member/s
- A member and the management committee or a sub-committee
- A member and the association.

This grievance procedure cannot be used by a person whose membership has been terminated if the rules provide for an appeal process against termination.

Guiding principles

All parties must act in good faith, honestly and fairly.

The principles of natural justice and procedural fairness are applied to ensure all individuals are treated fairly and impartially, allowing them to present their case, know the evidence against them, and have a fair opportunity to respond before decisions are made.

Process

1. Grievance procedure

- 1.1. A member (the aggrieved party) initiates the grievance procedure in relation to the dispute by giving a notice in writing of the dispute:
 - a. to the other party; and
 - b. if the other party is not the management committee, to the management committee.
- 1.2. If 2 or more members initiate a grievance procedure in relation to the same subject matter, the management committee may deal with the disputes in a single process and the members must choose 1 of the members (also the aggrieved party) to represent the members in the grievance procedure.
- 1.3. Subject to Section 2, the parties to the dispute must, in good faith, attempt to resolve the dispute.
- 1.4. If the parties to the dispute cannot resolve the dispute within 14 days after the aggrieved party initiates the grievance procedure, the aggrieved party may, within a further 21 days, ask the association's secretary to refer the dispute to mediation.
- 1.5. Subject to Section 2, if the aggrieved party asks the association's secretary to refer the dispute to mediation under step 1.4, the management committee must refer the dispute within 14 days after the request.

2. Grievance procedure will not continue in these circumstances

- 2.1. This section applies if:
 - a. a member initiates a grievance procedure in relation to a dispute and the association or association's management committee is the other party to the dispute; or
 - b. the aggrieved party asks the association's secretary to refer the dispute to mediation under step 1.4.
- 2.2. The management committee does not have to act under steps 1.3 or 1.5 if:
 - a. the aggrieved party has, within 21 days before initiating the grievance procedure, behaved in a way that would give the management committee grounds for taking disciplinary action under the rules against the aggrieved party in relation to the matter the subject of the grievance procedure; or
 - b. before the grievance procedure was initiated, a process had started to take action under the rules against the aggrieved party or terminate the aggrieved party's membership, as provided for under the rules, and the dispute relates to that process or to a matter relevant to that process; or
 - c. the dispute could reasonably be considered frivolous, vexatious, misconceived, or lacking in substance or the dispute relates to a matter that has already been subject of the grievance procedure.

3. Appointment of mediator

- 3.1. If a dispute under step 1.5 is referred to mediation
- a. the parties to the dispute must choose a mediator to conduct the mediation; or
 - b. if the parties are unable to agree on the appointment of a mediator within 14 days after the dispute is referred to mediation, the mediator must be
 - i) for a dispute between a member and another member – a person appointed by the management committee; or
 - ii) for a dispute between a member and a sub- committee or the club – a person appointed by the management committee; or
 - iii) for a dispute between a member and the management committee or the affiliate –an accredited mediator or a mediator appointed by the director of the dispute resolution centre.
- 3.2. An accredited mediator may refuse to be the mediator, or the director of a dispute resolution centre may refuse to appoint a mediator, to mediate the dispute. In this case, the parties may seek to resolve the dispute in accordance with the Rules of Association, the Act or otherwise at law.

4. Conduct of mediation

- 4.1. If a mediator is appointed under Section 1, the mediator must start the mediation as soon as possible after the appointment and try to finish the mediation within 28 days after the appointment.
- 4.2. Step 4.1 does not apply if the mediator is the director of a dispute resolution centre.
- 4.3. The mediator:
- a. must give each party to the dispute an opportunity to be heard on the matter the subject of the dispute; and
 - b. must comply with natural justice; and
 - c. must not act as an adjudicator or arbitrator; and
 - d. during the mediation, may see the parties, with or without their representatives, together or separately.
- 4.4. The parties to the dispute must act reasonably and genuinely in the mediation and help the mediator to start and finish the mediation within the time required under step 4.1
- 4.5. The costs of the mediation, if any, are to be shared equally between the parties unless otherwise agreed.
- 4.6. If the mediator cannot resolve the dispute, the parties may seek to resolve the dispute in accordance with the Rules of Association, the Act or otherwise at law.

5. Representation for grievance procedure

- 5.1. A party to a dispute may appoint any person to act on behalf of the party in the grievance procedure.
- 5.2. If a party appoints a person to be their representative, the party must give written notice of the appointment to each of the following entities:
 - a. the other party to the dispute;
 - b. the management committee;
 - c. if a mediator has been appointed before the party appoints the representative — the mediator.
- 5.3. A representative who acts for a party at a mediation must:
 - a. have sufficient knowledge of the matter the subject of the dispute to be able to represent the party effectively; and
 - b. be authorised to negotiate an agreement for the party.

6. Electronic communication for grievance procedure

- 6.1. Any meeting or mediation session required under the grievance procedure may be conducted by electronic means if the parties to the dispute and, for a mediation, the mediator agrees.

Definitions (delete if not relevant)

Term	Meaning
Complaint	A complaint is an expression of dissatisfaction or discontent about a particular situation, event, product, service, or behaviour.
Electronic communication	Technology that allows all parties to hear and take part in discussions as they happen.
Grievance	A grievance is a formal complaint or resentment, often expressed due to a perceived wrongdoing or injustice.
Mediator	A mediator is a neutral third party who facilitates communication and negotiation between parties involved in a dispute or conflict.
Mediation	Mediation is a voluntary and confidential process in which a neutral third party, known as a mediator, assists disputing parties in resolving their differences.

Version control

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0.1	15/04/2024	Initial draft

