

WEST AUSTRALIAN PISTOL ASSOCIATION INC
Disputes Resolution Process.

Section 29 of the Constitution; Matters not covered by the Constitution.

Common Disputes of a serious nature, not relating to disciplinary actions, nor to incidents that can be dealt with by other procedures as in the Anti-Discrimination and Anti-Harassment Policy Documents of the West Australian Pistol Association Inc.

1. Any member having an issue of dispute with the Association shall place a written notice outlining the nature of the dispute before the Association Committee in the first instance. The notice shall clearly state whether the dispute relates to an individual or a Club or both. If related directly to a Club it shall be accompanied by a copy of the Club minutes, or followed up by one, showing a Committee resolution to pursue the matter with the Association. The signatures of the Club President and Secretary shall be appended.
2. The Association President, or Vice President, through the Secretary shall notify the complainant of receipt of the notice of dispute. All disputes shall be determined with as much expediency as circumstances permit; whilst allowing for all aggrieved parties to fairly present their case.
3. An individual should seek Club support to assist in determination of the dispute. Failure to do so, or to gain support, shall not invalidate the complaint; provided the complainant has notified the Club of the nature of the complaint and of the intention to pursue it.
4. The Association Committee will determine how best to handle the matter. Where a Standing or ad hoc committee is involved the matter may be referred back to the source of the complaint with or without recommendations. A sub committee of not more than three individuals (members of the Association) not involved in the matter of dispute, may be nominated to deal with the complaint. They may choose a Chairperson from among their number, if one has not been appointed. Alternatively, the President may elect to have the Management Committee discuss and make a decision on the matter.
5. A Club or individual, so aggrieved, is entitled to appear before any body which may be hearing the complaint; and is further entitled to have other persons appearing to give information they consider relevant, or to represent their interests. The Chairperson shall be given a minimum of five working days written notice of this intention, which will indicate the name and origins of the informant, and of the type of information to be given. The Chairperson shall determine the actual relevance and admit or reject the information.
6. The Chairperson is entitled to have any person appear to give relevant information; and the complainant shall be given due notice (as above) of any such appearance pending.

¹¹ Revised 10.06.06 accepted and endorsed 28/07/06

7. The complainant shall be given a minimum of five working days written notice of the time, date and venue where the matter will be determined.
8. Legal advice may be sought by any party at any time; but the admittance of persons giving such advice shall not be permitted for that purpose.
9. Names of all attending and any information given by them shall be recorded. The Chairperson involved may seek assistance for this purpose only from any member not involved who shall take no part in the discussions. It is not expected that discussion are recorded 'verbatim'; but sufficient points must be noted in the transcript to allow other persons to follow the procedures and discussion from a reading of same.
10. Where a sub committee is determining the issue a simple majority or unanimous resolution of the committee members shall be sufficient to conclude the matter. If unable to reach a unanimous or majority conclusion, within a reasonable period of time as determined by the Chairperson, the dispute shall be referred back to the Association Committee for a final determination.
11. Decisions may be recorded in the form of majority or unanimous resolutions and shall be delivered to the Association President in writing before presentation to the Management Committee.
12. The decisions attained by the sub committee determining the dispute shall be final unless the Association Committee have reason to form the opinion that a fair hearing was not given or substantial information was wrongly excluded or ignored.
13. Where a circumstance occurs as in (12) above the Association Committee shall take whatever action it deems appropriate and that action will conclude the dispute.
14. Notification of all final decisions will, in all circumstances, be given to the Management Committee. Final decisions so presented are for informative reasons not for further discussion or dissembling.

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Section 22 of the Constitution :: Disciplinary Matters.

Sub section 22. 1. Affiliated Clubs.

All disciplinary hearings must be determined in accordance with the Constitution and all penalties handed down must be in accordance with the appropriate sections of the Constitution. This does not preclude the Club having 'due process' of a fair and impartial hearing.

1. Any Club accused of any breach of the Constitution by contravening Association By-Laws, Rules or Regulations shall be notified of the alleged breach in writing. There shall be sufficient information given to the Club detailing the facts of the allegation, to enable the Club to formulate a response in reply. The Club should reply in writing accepting or denying the facts outlined; and may elect to state mitigating circumstances in its defence at that time.
2. The Association Committee shall carefully consider any defence raised at that time before proceeding with a Disciplinary Hearing under the Constitution.
3. Where the Association Committee determines that a charge should be sustained and a hearing effected it must do so expeditiously in accordance with the Constitution. The Club shall be permitted to present any documents or information from any person that it considers relevant to the charge. The Club may elect to seek representation from a member and shall inform the President of that intention and of the name and origin of the person so nominated. Where this is done the representative shall be the only person to make comment, question other persons appearing, or enter discussion on the matter at the hearing, unless express permission is given by the Chairperson for another member of the club to comment or make explanation.
4. The Chairperson, at the charge hearing, may present any documents or information from any person that may be considered relevant to the charge; and may question, or cause to be questioned, any person considered involved and present at the hearing.
5. The Chairperson may decide, in the interests of the Association, or at the request of the Club, to adjourn the hearing to another day, date, time or venue; but all effort should be taken to have the matter concluded at the initial hearing. A written record of the proceedings shall be maintained; discussions and questioning will not be recorded 'verbatim' but must be in sufficient form to enable an observer to adequately determine that the process was fairly and impartially carried out and that the outcome of the hearing reflects that this was so.
6. The Constitution does not make any provision for an appeal where an affiliated Club is involved; however the Association Committee should be ready to hear any additional evidence which may not have been available to the Club at the time of the hearing, which may have lead to a different conclusion had it been known and presented. The Association Committee should consider a reversal of its decision should this circumstance occur.

Section 22. 3. Discipline :: Affiliated Members (Individuals)

Affiliated Clubs may hear charges against individual members in accordance with their own Constitutions; however, in all cases an individual should be given due process and the charge determined impartially and fairly by independent persons. In a small Club the numbers involved may preclude this and the Club should request the Association to process the matter for them.

The tenets of ‘natural justice’ should prevail; these are usually determined as follows;

1. The person accused should be notified in writing of the allegation; with sufficient information given for the person to formulate a defence.
2. The person processing or preferring the charge shall not be a person on the hearing panel; and shall otherwise be totally impartial in the proceedings.
3. The person referred to in (2) above is the only person to present evidence against the person charged; either in person or through the introduction of any witnesses who may have been called.
4. The Chairperson may call on or question any person considered involved; and may grant leave for a person to make submissions for or against the accused.
5. The person charged is entitled to have another member represent them or represent themselves. Except with the permission of the Chairperson the representative is the only person allowed to address or make submissions to the hearing panel in defence.
6. All persons providing information in deliberations shall not be part of the hearing panel; nor part of the deliberations; nor involved in the penalty process; nor part of any Appeals panel.
7. Notification shall be given in writing, at least seven working days in advance, to any person required to appear before the Hearing Panel. Such persons may be called by either the person prosecuting or the representative of the accused.
8. A written record shall be kept of the proceedings; this may not be taken ‘verbatim’ but should contain sufficient points of evidence, from all parties, to enable an impartial observer to conclude that the proceedings were entirely fair and objective; and that any conclusion reached was done so with fairness and in relation to the information given, and that relevant information was not excluded or ignored.
9. Any conclusions arrived at may be recorded as a majority or unanimous resolution; with an appropriate penalty awarded in the same manner.
10. After a penalty is issued, where the charge is not dismissed, and the person charged has been notified in accordance with the provisions of the Constitution, an Appeal may be entered into also under the provisions of the Constitution.
11. The Appeals Tribunal as appointed should conduct its proceedings in accordance with the provisions of the Constitution having regard to the tenets of natural justice.
12. The accused and defending parties should be notified in writing, at the earliest opportunity, of the Hearing or Appeal Panel resolutions.