

MOTORCYCLING NSW
GRIEVANCE HANDLING
POLICY

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Title: Grievance Handling Policy

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Responsible Persons: Motorcycling NSW Board

Authority: This document is a Policy made pursuant to the Motorcycling NSW Constitution. MNSW may unilaterally introduce, vary, remove or replace this Policy at any time.

Overview

At Motorcycling NSW, we aim to foster good relations amongst members, employees and management.

We also acknowledge that problems can arise in our sport that may sometimes cause you to feel aggrieved. These problems can sometimes arise from the behaviour or decisions of fellow members, officials, employees or volunteers.

A grievance can be about anything done, or not done, by someone within the MNSW community, which you feel affects you unfairly or unjustly. A grievance can also be about discrimination, harassment, bullying or any other decision or behaviour that you think is unfair, unjust or upsetting.

You can access the MNSW Grievance Handling Policy [here](#). We have also set out the steps below.

If you just have some general feedback you are wanting to provide, please complete the form [here](#).

What are your options if you have a grievance?

In general, there are three options to consider if you have a grievance, being:

- **Deal with the matter informally.** A grievance can be dealt with informally by approaching the person(s) involved in your grievance, if you feel comfortable in doing so. You can tell them that their behaviour, decision, actions, etc. was unfair, offensive, discriminatory etc., and why you believe this to be so. The person(s) may have been totally unaware of the effect of their behaviour or decision on you. By telling them you will give them a chance to redress the situation. However, keep in mind this may not be appropriate in some cases, particularly if you do not feel comfortable speaking to the person(s).
- **Speak to your club president.** If you do not want to speak to the person directly, you can talk to your club president about the matter. They may approach the person(s) complained about and talk to them informally about your grievance. They may also decide to take more formal action.
- **Make a complaint to MNSW.** If you do decide to make a complaint to MNSW, either because you are not satisfied with the club's response or it was not appropriate to involve your club.

If you make a complaint to MNSW, how will your grievance be handled?

Upon receipt of a complaint via the electronic form, you will be contacted by MNSW to discuss further, clarify any facts, and to discuss whether informal resolution of the matter is possible. Steps to achieve informal resolution may include (but are not limited to) MNSW speaking with all parties, and acting as an impartial mediator.

If informal resolution by MNSW is unsuitable or unsuccessful then are two potential avenues for you to escalate the complaint. MNSW can assist you with identifying appropriate pathway for your complaint.

- a. If your complaint falls under a National Integrity Framework (NIF) policy, then you will need to make a complaint to Sports Integrity Australia (SIA) – see [Formal Complaint Form Sport](#)

- Integrity Australia.** These complaints will be administered by SIA, without the involvement of MNSW or MA.
- b. All other complaints and disputes falling outside of the NIF policy will be dealt with under the new MA Non-NIF Dispute and Complaint Resolution Policy. These will include, for example, appeals from the decisions of Stewards under the GCRs, complaints under the MA Social Media Policy, etc. These matters will be administered by the MA Complaints Manager. You must complete a Notice of Dispute and email it to mail@ma.org.au. Please note that if your dispute relates to an appeal from a Steward's determination under the GCRs, you will be required to pay an application fee of \$1,000 to MA.

Please note if you do not wish to have MNSW's assistance and involvement, you can escalate through one of the above options in the first instance.

How will your complaint be handled?

At MNSW we believe it is vital that all complaints are handled fairly, transparently, impartially and confidentially.

For grievances which are escalated to SIA or MA, the details of how each type of complaint is dealt with can be found within the MA and SIA Policies, a link to which can be found here:

NIF Complaints - SIA

<https://www.ma.org.au/wp-content/uploads/2022/05/Motorcycling-Aus-NIF-Complaints-Disputes-and-Discipline-Policy.pdf>

Non-NIF Complaints - MA

<https://www.ma.org.au/wp-content/uploads/2022/06/MA-Non-NIF-Dispute-and-Complaint-Resolution-Policy-1.pdf>

WHAT HAPPENS IF MA SENDS MY COMPLAINT BACK TO MNSW?

In some circumstances, after receiving your complaint, MA may decide that MNSW is better placed to resolve it.

In these circumstances, if the MNSW Investigations Committee considers the matter is not frivolous or vexatious, the matter will be investigated independently by an independent third party as MNSW deems appropriate. The MNSW Investigations Committee may also refer the matter to other third parties for further investigation, such as law enforcement agencies, if it is considered appropriate.

How the investigation is to be conducted is at the discretion of MNSW. The following are general guidelines only.

During the investigation, you will be afforded natural justice and will generally be interviewed first, following which any witnesses, the person against whom the complaint is made, and any other relevant people will be independently interviewed. Best endeavours will be used to ensure all relevant people are interviewed although we are unable to compel people to participate.

The investigator will report their findings to an independent panel convened in accordance with the MNSW Constitution, who will recommend appropriate sanctions if required to the MNSW Investigations Committee. The person(s) against whom the complaint is made, will have an opportunity to review these findings and make a submission to the independent panel prior to a determination being made. The MNSW Investigations Committee will review the investigator's report and the panel's recommended penalties (if any), and if the complaint is substantiated, appropriate action will be taken.

The standard of proof applicable is the "balance of probabilities". The investigator must be satisfied that on the evidence put before them the alleged fact or matter is more probable than not. In reaching such conclusion, the investigator must consider all relevant factors including the nature and seriousness of the allegations and the impact of the potential sanctions that may be imposed if the allegations are proven. The standard of proof requires greater certainty for a more serious allegation compared with a less serious allegation.

What are the possible outcomes?

If the investigation finds that your complaint is valid, a number of actions may be taken as recommended by the independent panel, depending on the nature of the complaint, in accordance with the MNSW Constitution. These actions may include, but are not limited to, the person against whom the complaint is made may be asked to give you a written apology, or he / she may be given a written warning, a ban from the membership of MNSW for a period of time, and / or financial penalties.

If the complaint is found to be unsubstantiated, you will generally be given an explanation as to why that finding was made.

If the complaint is found to have been completely fabricated or raised vexatiously, appropriate action may be taken against you in accordance with the MNSW Constitution.

In the event that you wish to appeal the determination of the independent panel for a failure to follow this Policy, or for reaching a decision that no reasonable decision-maker could issue, then you may appeal to MNSW in writing. Lodging an appeal requires payment of the appeal fee of \$500, which will be refundable only if the appellant is successful on appeal. Note that parties will bear their own legal costs in relation to disciplinary matters.



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