



MEMBER DISPUTES PROCEDURE BY-LAW

EFFECTIVE DATE OCTOBER 2025

RESPONSIBILITY:		Chief Executive Officer		
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Commonwealth Games Australia Ltd
ACN 629 915 448

1. DEFINITIONS

Board	has the meaning given to that term in the Constitution.
By-Law	means this Member Disputes Procedure By-Law.
CEO	has the meaning given to that term in the Constitution.
CGA	has the meaning given to that term in the Constitution.
Constitution	means the constitution of CGA.
Director	has the meaning given to that term in the Constitution.
Dispute	includes a dispute that is the result of a failure of a Member to comply with, uphold the purposes of, adhere to, or observe the provisions of the Constitution or any other CGA constituent documents or the discovery of any criminal activity perpetrated by a Member during or in connection with CGA events, activities or programs.
Member	means a legal or natural person, including an organisation, who belongs to at least one of the following Membership Classes: Program Sport Member, State Division Member, Associate Member and Life Member (in accordance with Part 4 of the Constitution).
NST	means the National Sports Tribunal.
NST Eligible Matter	means a kind of dispute that falls within the jurisdiction of the NST (which does not include disputes occurring 'in the field of play' or the equivalent context in a particular sport).
NST Legislation	means the <i>National Sports Tribunal Act 2019</i> (Cth) (NST Act) and all legislative and notifiable instruments adopted under the NST Act and as in force from time to time.

2. APPLICATION

- (a) Subject to clause 2(b), this By-Law applies to Disputes between:
- (i) a Member and another Member or Members; or
 - (ii) a Member and CGA.
- (b) This By-Law does not apply to, and a Member must not initiate any processes under this By-Law in relation to, any Disputes that are subject to a specific procedure for managing complaints or alleged breaches under another CGA rule, policy, by-law, agreement or other CGA constituent document from time to time, including:
- (i) the CGA Anti-Doping By-Law which may be amended from time to time and can be read on the CGA website (<https://commonwealthgames.com.au/about-commonwealth-games-australia/policies/>);
 - (ii) CGA Ethical Behaviour By-Law which may be amended from time to time and can be read on the CGA website (<https://commonwealthgames.com.au/about-commonwealth-games-australia/policies/>);
 - (iii) CGA Workplace Practices Policy which may be amended from time to time and can be read on the CGA website (<https://commonwealthgames.com.au/about-commonwealth-games-australia/policies/>); and

- (iv) CGA Nomination, Selection and Appeals By-Law means the CGA Nomination, Selection and Appeals By-Law which may be amended from time to time and can be read on the CGA website (<https://commonwealthgames.com.au/about-commonwealth-games-australia/policies/>).

3. DISPUTE PROCEDURE

3.1. PARTIES MUST ATTEMPT TO RESOLVE THE DISPUTE

- (a) Member(s) or CGA (as applicable) claiming that a Dispute has arisen must give the other a written notice (**Dispute Notice**) setting out the details of the Dispute.
- (b) The parties to a Dispute must use reasonable endeavours to resolve the Dispute between themselves within 14 calendar days after the date the Dispute Notice is given under clause 3.1(a).

3.2. PARTIES TO GIVE NOTICE OF DISPUTE TO BOARD

- (a) Subject to clause 3.2(b), if the parties to a Dispute are unable to resolve the Dispute between themselves within the time period specified in clause 3.1(b), the parties to the Dispute must:
 - (i) if the subject matter of the Dispute does not involve the CEO, notify the CEO of the details of the Dispute in writing within 2 calendar days of the expiry of the 14-calendar day period specified in clause 3.1(b) and the CEO will then notify the Board; or
 - (ii) If the subject matter of the Dispute does involve the CEO, notify the CGA President of the details of the Dispute in writing within 2 calendar days of the expiry of the 14-calendar day period specified in clause 3.1(b) and the CGA President will then notify the Board.
- (b) Neither the Board or CGA is required to act on any Dispute:
 - (i) that is submitted anonymously; or
 - (ii) that is deemed, in the absolute discretion of the Board, to be frivolous or vexatious.
- (c) If the subject matter of the Dispute:
 - (i) does not involve a Director, the Board may determine (in its absolute discretion) to:
 - A. determine the dispute and the application of any further actions (which may include disciplinary actions or non-disciplinary action); or
 - B. refer the Dispute to the NST General Division for mediation,
 - (ii) does involve a Director, the Board must refer the Dispute to the NST for mediation.

3.3. REFERRAL OF DISPUTE TO NST GENERAL DIVISION FOR MEDIATION

- (a) Where a Dispute is to be referred to the NST pursuant to clause 3.2(c), CGA will lodge the application for mediation of the Dispute with the NST General Division.
- (b) The CEO must notify the parties to the Dispute in writing that an application has been made to the NST General Division for mediation.
- (c) The parties to the mediation will pay the relevant NST application fee unless agreed or determined otherwise by the NST CEO.
- (d) The mediation will be conducted by the NST in accordance with the NST Legislation.

3.4. REFERRAL OF DISPUTE TO NST GENERAL DIVISION FOR ARBITRATION

- (a) If the mediation process does not resolve the Dispute, and if it is an NST Eligible Matter, a party (or, the parties together) may apply to, or request that CGA apply to, the NST General Division for arbitration, which will resolve the Dispute in accordance with the NST Legislation.
- (b) CGA will lodge the application for arbitration of the Dispute with the NST General Division.
- (c) The CEO must notify the parties to the Dispute in writing that an application has been made to the NST General Division for arbitration.
- (d) The party or parties making the application to, or requesting that CGA make the application to, the NST will pay the relevant application fee unless agreed or determined otherwise by the NST CEO.
- (e) The time limit for making an application to the NST General Division for arbitration is 21 days after the conclusion of the NST General Division mediation process.
- (f) The NST arbitration panel will consist of one NST member.
- (g) Any NST service charges will be apportioned evenly between the parties to the dispute unless agreed or determined otherwise by the NST CEO.

3.5. DISCIPLINARY ACTION AND OR NON-DISCIPLINARY ACTION BY BOARD

- (a) Where a Dispute is determined by the Board pursuant to clause 3.2(c)(i)A, the Board may take disciplinary action against a Member in accordance with the Constitution or under any other CGA constituent document if CGA has determined that a Member:
 - (i) has failed to comply with the Constitution or any other CGA constituent document;
 - (ii) refuses to advance the objectives of the Constitution; or
 - (iii) has engaged in conduct prejudicial to CGA.

3.6. DISCIPLINARY ACTION AND OR NON-DISCIPLINARY ACTION BY BOARD

- (a) Where the Dispute is determined by the NST, the NST may determine that in relation to such Dispute:
 - (i) no further action be taken against the Member; or
 - (ii) one or more of the following sanctions are to be applied:
 - A. reprimand the Member;
 - B. suspend the membership rights of the Member for a specified period;
 - C. expel the Member from CGA; or
 - D. any other action deemed appropriate by NST.
- (b) The suspension of membership rights or the expulsion of a Member from CGA by the NST under this By-Law takes effect immediately after the decision is made by NST and notified in writing to the Member.
- (c) The Board and each Member agrees to abide by any decision made by the NST General Division or any decision made by the NST Appeal Division.

3.7. RIGHT TO REFER DISPUTE TO NST APPEALS DIVISION

- (a) A Member whose Membership rights have been suspended or who has been expelled from CGA pursuant to a decision made by the NST General Division may only appeal against such decisions to the NST Appeals Division.
- (b) Any application to appeal against a suspension or expulsion in the NST Appeals Division must be made within no longer than 7 days of the decision by the NST General Division to suspend or expel the Member from CGA.
- (c) The Member lodging the appeal in the NST Appeals Division must pay the relevant NST application fee.
- (d) Any NST service charges will be apportioned evenly between CGA and the Member, unless agreed or determined otherwise by the NST CEO.