General Purpose Tribunal Complaints and Disputes Policy

Effective Date: 15 July 2026

Version 1.1

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1. Policy Overview

1.1 Introduction

Football West is the sole governing body for football in Western Australia and represents all levels of competition, development and coaching across metropolitan and regional areas. Football West is responsible for the administration and governance of football in Western Australia, including the operation of dispute resolution processes under the Football West Disciplinary and Grievance Regulations (D&G Regulations).

1.2 Context

The Football West Disciplinary and Grievance Regulations establish the jurisdiction of the General Purposes Tribunal to determine certain legal disputes arising between Football West, Clubs and Affiliated Associations.

The Regulations require parties to first seek to resolve disputes through the Complaints Policy prior to proceedings being commenced before the General Purposes Tribunal, unless otherwise permitted under the Regulations.

This Policy establishes that preliminary dispute resolution process.

1.3 Purpose

This Policy establishes a preliminary dispute resolution process for certain disputes before referral to the General Purposes Tribunal under the Football West D&G Regulations.

This Policy is intended to:

a) promote early resolution of disputes where possible; and
b) operate as a condition precedent to the commencement of proceedings before the General Purposes Tribunal, where required by the D&G Regulations.

This Policy operates alongside, and separately from, the D&G Regulations, the Personal Grievance Policy, the FA Member Protection Framework, and all disciplinary and regulatory processes.

1.4 Audience

This Policy applies to:

a) Football West;
b) Affiliated Associations;
c) Clubs;
d) Participants; and
e) any party seeking to refer a dispute to the General Purposes Tribunal under the D&G Regulations.

1.5 Responsibilities

The following responsibilities have been assigned:

Role	Function
CEO	• Approve this Policy and any amendments.
Integrity & Governance Manager	• Implement and administer this Policy. • Manage dispute notices submitted under this Policy. • Facilitate preliminary dispute resolution processes where appropriate.

Affiliated Associations, Clubs and Participants	• Comply with this Policy and the D&G Regulations when seeking to refer a dispute to the General Purposes Tribunal.

1.6 Authority

This Policy derives its authority from the CEO and is effective from the date of approval.

1.7 Review

This Policy will be reviewed as required and updated to reflect changes to the Football West Disciplinary and Grievance Regulations, applicable legislation or organisational requirements.

2. Application of this Policy

2.1 This Policy applies only to disputes that:

a) fall within the jurisdiction of the General Purposes Tribunal under the D&G Regulations
b) involve an alleged legal dispute arising out of or in connection with a contractual or other legally enforceable relationship between:
   i. Football West and a Club;
   ii. A Club and another Club;
   iii. Football West and an Affiliated Association;
   iv. a Club and an Affiliated Association; or
   v. an Affiliated Association and another Affiliated Association.

2.2 This Policy does not apply to:

a) disciplinary matters, misconduct, or sanctions governed by the D&G Regulations;
b) the enforcement or application of Competition Rules or Regulations;
c) personal grievances, governance disputes, or complaints for which a party does not have an enforceable legal claim;
d) safeguarding, member protection, or integrity, disciplinary or complaint matters that are otherwise dealt with under another Football West or Football Australia policy; or
e) matters falling within the exclusive jurisdiction of Football Australia.

2.3 Football West may determine, in its discretion, that a matter falls outside the scope of this Policy and decline to progress the dispute under this process.

3. Requirement to Seek Resolution

3.1 Subject to the D&G Regulations, a party seeking to refer a dispute to the General Purposes Tribunal must first seek to resolve the dispute in accordance with this Policy.

3.2 Compliance with this Policy constitutes compliance with the requirement of the D&G Regulations.

4. Lodgement of a Dispute Notice

4.1 A party initiating a dispute must provide Football West with a written notice of dispute (Dispute Notice).

4.2 A Dispute Notice must include:

a) the identity and contact details of the parties;

b) a brief description of the dispute;

c) the contractual or legal basis relied upon; and

d) the outcome or relief sought.

4.3 Upon receipt of a Dispute Notice, Football West may:

a) request further information;

b) facilitate discussion between the parties; or

c) provide a written response stating Football West's position.

4.4 Football West is not required to conduct a hearing, provide reasons, or resolve the dispute under this Policy.

4.5 Nothing in this Policy obliges Football West to agree to any proposed resolution.

5. Outcome Notice

5.1 Football West may issue a written outcome notice (Outcome Notice) stating that:

a) the dispute is resolved; or

b) the dispute is not resolved and may proceed to the General Purposes Tribunal, subject to the D&G Regulations.

5.2 An Outcome Notice issued under this clause constitutes notification of the outcome of the complaint for the purposes of the D&G Regulations.

5.3 Unless otherwise required by law or the D&G Regulations, discussions and communications occurring as part of this process are intended to be conducted on a without prejudice basis for the purpose of attempting to resolve the dispute.

6. Timeframes

6.1 Unless otherwise determined by Football West, a party must allow Football West a reasonable opportunity of not less than seven (7) Business Days from the date of the Dispute Notice to respond.

6.2 Nothing in this Policy limits the operation of limitation periods under the D&G Regulations.

7. No Expansion of Jurisdiction

7.1 Completion of this Policy does not:

a) confer jurisdiction on the General Purposes Tribunal where none otherwise exists; or

b) convert a personal grievance, governance complaint, disciplinary issue, or regulatory matter into a legal dispute.

8. Discretion and Substantial Compliance

8.1 Football West may determine, in its discretion, whether a party has substantially complied with this Policy.

8.2 A failure to strictly comply with this Policy does not of itself invalidate any subsequent determination, consistent with the D&G Regulations.

9. Definitions and Interpretation

Unless otherwise defined in this Policy, capitalised terms have the same meaning as set out in the Football West Disciplinary and Grievance Regulations.

In this Policy:

Dispute Notice means a written notice submitted under clause 4 of this Policy.

Outcome Notice means a written notice issued by Football West under clause 5 of this Policy.

Policy means this General Purpose Tribunal Complaints and Disputes Policy.