



DBWA Member Transfer Policy

1. Preamble

This policy applies to all previous, current and future Dragon Boating WA Inc (DBWA) members and individuals who:

- a) have completed and signed a membership application form of a DBWA Club, and
- b) wish to obtain membership of a different DBWA Club.

The following are exempt from the requirements of the policy:

- Individuals who are members of non-WA based clubs, and who wish to join a WA club for the first time.
- Individuals that have not had their membership application received by a DBWA Club.
- Individuals who were previously members of a DBWA Club, but have not been a member of that club or DBWA for at least twelve (12) months immediately prior to applying for membership with a different DBWA Club.

This policy does not restrict an individual from being a member of more than one DBWA Club, for example a competitive paddler at one DBWA Club can be a non-competitive life or social member at another DBWA Club. However, it does not permit that member to be a competitive paddler, sweep, drummer or coach, or compete in any manner, for both clubs.

2. Definitions

Terms not defined here are as described in the Constitution of Dragon Boating WA Inc, where available.

DBWA Club has the same meaning as the term “Club Member” as written in the Constitution of Dragon Boating WA Inc (i.e. *DBWA Club* means a dragon boat club).

Member means an individual who is a member of a DBWA Club, as per the requirements of the Constitution of Dragon Boating WA Inc.

Membership year means the 12 month period from 1 October to 30 September the following year.

Original Club means the club **from which** the individual wishes to transfer.

Procedural Fairness means a legal concept requiring a fair and proper procedure be used when making a decision. It relates to the procedures used by decision-makers, rather than

the actual outcome. It is also known as ‘natural justice’.

Transfer Club means the club **to which** the individual wishes to transfer.

3. Types of transfers

There are only two types of transfers allowed under this policy –

1. transfer by mutual agreement of the Original Club and the Transfer Club with approval by DBWA or
2. DBWA approved transfer.

Transfer by mutual agreement is where the applicant makes written application to transfer using the *Member transfer application form*, and both the Original Club and the Transfer Club agree in writing that the transfer should occur. DBWA then reviews and approves or refuses the transfer application.

DBWA approved transfer is where the applicant makes written application to transfer using the *Member transfer application form* and either the Original Club or the Transfer Club cannot agree that the transfer should occur. DBWA then reviews the details of the situation and makes a determination as to whether or not the transfer should proceed (see section 1).

4. Transfer process

The individual seeking a transfer (“the applicant”) is required to complete the *Member transfer application form* and submit it to both the Original Club and Transfer Club for consideration and comment. Both the Original Club and the Transfer Club may approve or refuse the transfer. The President, or a delegated member of the club committee, from each of the Original Club and the Transfer Club must sign the application. The fully completed and signed form is to be forwarded to DBWA for consideration.

5. Timeline for application

Member transfer application forms must be lodged and received by DBWA no later than 30 November of the membership year in question (e.g. 30 November 2011 for transfers to occur in the 2011/2012 membership year). Applications will be considered at the first available DBWA Board meeting. This deadline aligns with the Australian Dragon Boat Federation (AusDBF) One Club Policy, which expects paddlers who compete at the National Championships to be a member of only one club from 1 January of the year of the championship.

Members who are seeking transfer on grounds of geographical or serious emotional or psychological issues, and can substantiate these claims, may make application at any time, however the 30 November deadline still applies for paddlers wanting to compete at the Nationals (i.e. if an application is made after 30 November due to geographical/emotional reasons, the transfer may be granted, but the individual will no longer be eligible to compete at the National Championships).

6. DBWA approved transfer process

Wherever possible, DBWA Board members who are members of either the Original Club or the Transfer Club will not have any involvement in the review and decision of the application. However, if applicable, these DBWA Board members may be asked to clarify information supplied to the DBWA Board.

The DBWA Board will:

- Seek written comments from the Original Club and the Transfer Club, if required. If a club fails to provide comments this will not prejudice any decision made by the DBWA Board.
- Provide written outcome of the request to the:
 - Individual applying for the transfer,
 - Original Club, and
 - Transfer Club.

7. Grounds for approving or refusing a transfer

An Original Club may refuse an application to transfer request at any time if the applicant:

- owes any fees or any money to the Original Club, or
- has not returned any club equipment or documents or records to the Original Club.

For all applications lodged after the 30 November deadline – i.e. between 1 December and 30 September of the following year - the only grounds the DBWA Board may accept for a transfer are:

- Geographical issues that restrict or limit the applicants ability to participate with their Original Club, or
- Serious emotional or psychological issues that impede the applicants ability to participate with their Original Club.

An example of a geographical issue would be where a member changes their location of employment which impacts upon their ability to attend training at the Original Club – they cannot get to training at the Original Club on time, however, they can make training at the Transfer Club because of a shorter commute.

An example of a serious emotional or psychological issue would be a volatile relationship breakdown where both parties are members of the same club and both wish to continue to participate in dragon boating, so avoid continued stress and potential disruption to other members, one of them applies for a transfer to a different club.

The applicant must provide written evidence to support their application where available (e.g. proof of change of address).

8. Appeals

The applicant may lodge a written appeal within 10 working days of being advised of the decision to refuse their application to transfer.

The original DBWA Board decision is not subject to appeal, except on the basis of one of the following grounds for appeal:

- whether procedural fairness was applied correctly, or
- any new information that may influence or change the original decision.

9. Appeal process

DBWA will appoint an Appeal Representative to manage the appeal process. This individual is to be a DBWA Board member who was not involved in the original decision and is not a member of either the Original Club or the Transfer Club.

The appeal will consider all documentation in relation to:

- this DBWA Member Transfer Policy,
- the original *Member transfer application form*,
- the DBWA Board's reasons for their decision, and
- the contents of the written appeal.

There will be no personal presentation at the appeal and the decision will be based upon the documentation provided taking into account whether procedural fairness was applied correctly and/or any new information that may influence or change the original decision.

The Appeal Representative:

- May seek verbal or written clarification from all parties as need be prior to making a final decision.
- Will provide a written report with their final decision to all parties involved in the appeal process.
- Will make a decision which will be final and is not subject to appeal.
- May make recommended changes to this policy to improve the processes or decision making.