

ATHLETE TRANSFER POLICY

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| Policy Name: | Athlete Transfer Policy |
| Adopted from: | Gymnastics Australia - Athlete Transfer Policy |
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| Signature: | PM |
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Gymnastics
Australia

ATHLETE TRANSFER POLICY

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| Policy Name: | Athlete Transfer Policy |
| Date of Approval: | June 2004, October 2008, August 2012 |
| Policy Coverage: | Business - Membership |
| Date of Review: | July 2006, September 2006, July 2007, August 2008, August 2012 |

1. STATEMENT OF COMMITMENT

- 1.1 Gymnastics Australia (GA) is responsible for the sport's National Membership Database (Database).
- 1.2 The Database contains details of all GA membership categories and their respective registration procedures, the accuracy of which the Database relies on.
- 1.3 GA, in conjunction with its Association Members ('**AM**') will ensure the Database's accuracy and that it is up to date and correct for all members to enable transfers pursuant to this policy to be effected without delay.
- 1.4 GA and its AMs will keep confidential, in line with its Privacy Policy, all registration data on the Database and all complaint details unless disclosure is required by law, or in order to deal with a complaint as required by clause 4.

2. TRANSFER POLICY APPLICATION

- 2.1 This Policy applies to all registered athletes, Clubs, AMs and GA.
- 2.2 The policy applies when an athlete who is registered with one affiliated Club (**Current Club**) wishes to transfer that registration to another affiliated Club (**New Club**). This policy applies even if the athlete's registration is not current.

3. ROLES AND RESPONSIBILITIES OF PARTIES INVOLVED

- 3.1 Registered Athletes
A registered athlete wishing to transfer to a New Club must:
 - (a) Advise the Current Club and New Club.
 - (b) Settle all outstanding accounts at the Current Club prior to the submission of an application for transfer and as a precondition to the transfer to the New Club being affected.
 - (c) If requested by the New Club's AM, provide evidence to the AM of the payment of any monies owed by the athlete to the Current Club.
- 3.2 Clubs
 - (a) The New Club must submit a transfer request using Gymnastics Online.
 - (b) Both Clubs must deal with transfer applications in an impartial, timely and confidential manner.
 - (c) The Current Club must provide evidence to the AM of any monies allegedly unpaid by the athlete to the Current Club.
 - (d) When approved, the Current Club should activate the transfer using Gymnastics Online
 - (e) Distribute, promote and implement this policy and its related administration procedures.

- 3.3 AM (State/Territory Association)
- (a) Deal with transfer applications in an impartial, timely and confidential manner.
 - (b) Consult with all parties involved to facilitate agreement in relation to the proposed transfer should there be any dispute.
 - (c) Assist with all administrative procedures to ensure the accuracy of the Database is maintained.
 - (d) Seek to identify any transfer requirements which have not been met by the athlete or a Club.
- 3.4 GA
- (a) Complete all administrative procedures to ensure the accuracy of the Database is maintained.
 - (b) Act as mediator should a dispute not be resolved by the relevant AM

4. COMPLAINTS

- 4.1 The relevant AM will deal with any complaints about failure to comply with this Policy promptly, seriously, sensitively and in accordance with the principles of natural justice.
- 4.2 If there is a dispute about a failure to comply with the policy which can not be resolved by consultation, the AM may direct the parties to attend mediation with GA, which GA may choose to mediate in accordance with GA's Grievance By-Law, to attempt to resolve the dispute.
- 4.3 If the dispute is not resolved at mediation or one or more parties fail to attend the mediation then GA may approve a transfer even if all of the transfer requirements have not been met.

5. GOVERNING PRINCIPLES

- 5.1 A Current Club may not refuse permission for any athlete to transfer to a New Club unless:
- (a) The athlete has outstanding accounts at, or otherwise has not fulfilled any financial commitments to, the Current Club.
 - (b) The transfer does not comply with this Policy or any AM By-Laws or Regulations.
- 5.2 Once the transfer is complete, the athlete must pay all required fees to the New Club, with the exception of State/National registration fees if they have already been paid for the current calendar year.

- 5.3 An athlete may not participate in any sanctioned gymnastic competitions or events for the New Club for a period of 30 days ("competition qualification period") in all instances, including inter and intra-State transfers from the date a valid transfer application is received by an AM [see 6.1 (a) & (b) for conditions of invalid transfer].
- 5.4 Before being eligible to compete in a State or National Championships an athlete who transfers from overseas must:
- (a) reside in Australia for not fewer than 6 months, and
 - (b) be a registered member for not fewer than 3 months.
- unless the relevant AM in its complete discretion determines otherwise.
- 5.5 An athlete transferring to a State Institute/Academy must maintain their membership with the Current Club if the athlete has:
- (a) placed in the top ten of their level in the All-Around or any Apparatus final when representing his or her Current Club at a State Championship.
 - (b) represented his or her State at any National Championship while a member of the Current Club.
 - (c) been a ***competitive member*** of the Current Club, within their selected Gymsport, for more than 3 years.
- 5.6 This principle shall not apply if all involved parties agree and/or special circumstances apply (e.g.: the Current Club closes down and/or does not maintain its affiliation).

6. FEES PAYABLE

AM and GA Membership Fees

- 6.1 These fees are annual and must be paid at the beginning of each calendar year.
- (a) The fees are non-refundable and non-pro rateable. The Current Club is not required to reimburse any part of fees paid by the athlete, to either the athlete or the New Club.
 - (b) Where a Club charges an athlete an itemised amount for these fees that is incorrect and that amount is paid by the athlete the Current Club:
 - (i) cannot claim any underpayment from the athlete
 - (ii) is liable to repay to the athlete any amount that has been overcharged,
 - (c) Where the fee is not itemised, the New Club may provide a discount for membership to alleviate the issue of double payment.
 - (d) The New Club is not required to pay any other membership fee to the AM or GA in respect of the athlete for that calendar year.

- 6.2 Insurance which is provided to registered athletes as part of the National Insurance scheme is annual and must be paid at the start of the calendar year by the Current Club and is non-refundable and non-pro rateable.

7. TRANSFER PROCEDURES

7.1 The transfer process:

- (a) requires agreement by both Clubs involved
- (b) requires endorsement by the relevant AM if there is any dispute
- (c) must be processed in the Database by GA
- (d) subject to clause 4 should be finalised within 30 days

7.2 On-Line Transfers

- (a) If an attempt is made to register into the Database via Gymnastics Online an athlete who is already registered at another Club, the registration is noted as a duplicate and the Club is required to 'Request a Transfer'.
- (b) This action will send a Transfer Request to GA and the following process will occur:
 - (i) GA will request the transfer be approved by the Current Club
 - (ii) The Current Club will approve the transfer online and proceed to step (v) or if the transfer is denied, complete the "Athlete Transfer Request Form" and submit to AM
 - (iii) The relevant AM will then assess the transfer request and liaise with both clubs to seek a satisfactory resolution
 - (iv) Once any dispute is resolved, the relevant AM will advise GA to process the transfer
 - (v) Subject to clause 4, GA will amend the Database
 - (vi) GA will confirm with the New Club that the transfer has been processed.

7.3 Waiving 'Club/Institute of Origin' Status

- (a) An athlete, who has been accepted into a State Institute/Academy must maintain membership with the Current Club as a means of recognising the contribution made by the Current Club to the athlete's development.
- (b) Clubs or athletes seeking exemption from this rule must apply in writing to the CEO of their relevant AM. The application must contain:
 - (i) name of athlete
 - (ii) the athlete's competition history with Current Club
 - (iii) rationale supporting the waiving of Club status
 - (iv) supporting letters from the Current Club
- (c) The AM CEO will then:
 - (i) Consult with the Current Club and State & National SMCs
 - (ii) Refer the request to appropriate authorisation body where necessary – Board or SMCs
 - (iii) Officially notify, in writing, all relevant parties on the outcome

7.4 Competition Qualification Period

- (a) A "competition qualification period" applies to all transfers and is defined, in clause 5.3. Clubs seeking to have this period waived due to special circumstances must, a minimum of 14 days prior to the competition, submit an application in writing to the relevant AM containing:
 - (i) The name of athlete
 - (ii) Date transfer application was submitted
 - (iii) Reasons for transfer
 - (iv) Next event at which that athlete wishes to compete
 - (v) Details of special circumstances to support request
- (b) After receiving this application, the AM will:
 - (i) Provide information to the relevant original Current Club for consideration and action
 - (ii) Notify all relevant parties of the outcome

7.5 Competition/Representation Status

- (a) A registered athlete may only compete for and/or represent their Club at sanctioned gymnastic events.
- (b) It is acknowledged that special circumstances may apply and exceptions to this rule may be necessary.
- (c) To apply for an exception, an application, in writing, must be made to the relevant AM, depending on the level of competition. This application must contain:
 - (i) Name of athlete
 - (ii) Rationale for needing to compete/represent a Club other than the athlete's Current Club.
- (d) The appointed AM representative to coordinate the request will:
 - (i) Provide information to the relevant organisations for consideration and action
 - (ii) Notify all relevant parties on the outcome

8. CHANGES TO POLICY

GA may review this policy as it sees fit in accordance with Clause 22 of the GA constitution. AMs may submit changes for GA's consideration. Any altered policy will be distributed in accordance with GA procedure.