

SUTHERLAND SHIRE NETBALL ASSOCIATION INC. DISCIPLINE PROCEEDINGS POLICY

1. Authority

The authority to adjudicate upon Disciplinary Matters within the Association and impose penalties where required is contained in **Clause 7 a)** of the Constitution and extends to all Registered Members of the Association.

2. Discipline Sub-Committee

- 2.1. The composition and convocation of the Discipline Sub-Committee shall be as set out in **Clause 5 b) viii)** of the Constitution.
- 2.2. The Discipline Sub-Committee shall have jurisdiction to adjudicate on any complaint of misconduct allegedly committed by a Registered Member of the Association on the premises of the Association or as a representative of the Association and referred to it by the Executive Committee.
- 2.3. The Discipline Sub-Committee shall have the authority to impose penalties by way of reprimand, bonds, fines, suspension, expulsion or a combination of any of them as deemed necessary on Registered Members of the Association.

3. Initiation of Disciplinary Proceedings

- 3.1. An umpire or official may report any incident in writing to the Association Secretary. Where the incident being reported occurred during a competition match the umpire is to lodge a written report as soon as possible after the match is completed, not being later than **72** hours after the alleged incident having occurred.
- 3.2. A registered member of the Association or a parent of a registered member may report any incident in writing to the Association Secretary. Such a complaint must be lodged within **72** hours of the alleged incident having occurred.
- 3.3. Upon the lodgement of a complaint the Secretary shall advise the Discipline Convenor who shall be the **President**, provide all written documents received and upon which, the Discipline Convenor shall convene the Discipline Sub-Committee to consider the charge to be brought against the alleged offender.

4. Notice

- 4.1. Registered Members required to appear before the Discipline Sub-Committee shall be given a maximum of 48 hours' written notice stating the charge alleged and the proceedings which will be invoked.
- 4.2. Where a person under the age of 18 years is called before the Discipline Sub-Committee, that person is to be advised that their parent(s) or guardian(s) may accompany them to the hearing.
- 4.3. Witnesses required by the Discipline Sub-Committee will be notified of the hearing in writing.

4.4. The Secretary of the club/s involved in the discipline hearing shall be advised and may be given the opportunity to attend the hearing in a support capacity with their member.

5. Hearing

- 5.1. A member of the Discipline Sub-Committee shall be ineligible to hear any matter in which she or he has a direct or indirect conflict of interest. A sub-committee member shall be deemed to have a conflict of interest where:
 - 5.1.1. she or he declares the existence of such a conflict;
 - 5.1.2. an Affiliated Club of which she or he is a member is a party to the hearing; or
 - 5.1.3. a majority vote of the remainder of the Sub-Committee holds them to have such a conflict.
- 5.2. Upon assembly the Discipline Convenor shall read the charge or charges against the person called before it and shall outline the Discipline Sub-Committee's intended procedures for conducting the hearing. The Convenor shall also advise all parties of their rights and entitlements under this policy.
- 5.3. The person shall be asked by the Discipline Convenor whether they admit or deny the charge or charges brought against them, as formulated by the Discipline Sub-Committee on an ad hoc basis. In the event that the person admits the charges then the Sub-Committee shall advance the proceedings to 5.10 below.
- 5.4. All parties with the exception of the cited person or team shall retire from the hearing until recalled by the Discipline Convenor.
- 5.5. The Discipline Sub-Committee shall conduct a preliminary interview with the person charged.
- 5.6. Each party concerned shall be recalled to the hearing one at a time for examination first by the members of the Discipline Sub-Committee and then by the cited person.
- 5.7. At the completion of the hearing of the witnesses or parties called by the Discipline Convenor, the cited person may call such witnesses as they deem necessary and those persons may be examined first by any or all of the members of the Discipline Sub-Committee and then the cited person.
- 5.8. After all evidence has been given all persons excepting the Discipline Sub-Committee shall retire. Being satisfied that all the evidence it requires to reach a decision has been established, the Discipline Sub-Committee shall consider the case and record a finding on the balance of probabilities based on what it believes to be the facts. In the event of a split decision, the finding of the Discipline Convenor shall be decisive.

- 5.9. When the decision has been reached the cited person shall be recalled and the Discipline Convenor shall announce the findings.
- 5.10. If the Discipline Sub-Committee find the offence proved then the offending person shall have the right to make representations as to penalty.
- 5.11. The Discipline Sub-Committee shall then further deliberate before announcing the decision as to the penalty, if any, to the cited person, and subject to the discretion of the Sub-Committee. The Sub-Committee shall, where possible, have regard to the Schedule of Penalties at Clause 7 below.
- 5.12. The Discipline Sub-Committee may, at its discretion, report the outcome of any hearing to the Executive Committee. Such a report shall not disclose the identity of the Appellant unless express permission for such disclosure has been obtained.

6. Principles of Deliberation

Natural justice provisions are to apply to the conduct of Discipline Sub-Committee hearings and deliberations. The key principles are:

- 6.1. A person or team must be given a reasonable opportunity to present their case before a decision is made which will affect them.
- 6.2. The person lodging an initial complaint must do so in good faith.
- 6.3. Any appeal must be lodged in good faith.
- 6.4. Written submissions may be acceptable as evidence.
- 6.5. The Discipline Sub-Committee has the discretion to interview any other persons it deems appropriate.
- 6.6. Parties should be given adequate notice to enable them to make submissions on the incident or incidents under investigation and the circumstances of the reports that led to the disciplinary hearing.
- 6.7. Any adverse material which may affect the hearing and therefore the decision should be disclosed and parties should have the opportunity to respond to or rebut any allegations.
- 6.8. There is no absolute requirement that parties be permitted legal representation at a hearing. This depends on the circumstances of the case and the determination of the Discipline Sub-Committee.
- 6.9. There is no requirement that any party have the opportunity to cross-examine other parties.
- 6.10. The Discipline Sub-Committee must be perceived by a reasonable person to be free from bias when making a decision.
- 6.11. A member of the Discipline Sub-Committee cannot have any direct or indirect interest, pecuniary or otherwise, in the subject matter of the decision.

6.12. The Discipline Sub-Committee is not bound by the rules of evidence.

7. Schedule of Penalties (Note: Non-Exhaustive Guidelines Only)

Offences of charged persons towards Players and Spectators		
<i>No.</i>	<i>Offence</i>	<i>Minimum Penalty</i>
1	Fighting/Striking with clenched fist	3 playing weeks
2	Strike with open hand	3 playing weeks
3	Kicking/Attempting to kick	3 playing weeks
4	Strike opponent with ball or other object	3 playing weeks
5	Deliberately trip an opponent	3 playing weeks
6	Attempt to strike with clenched fist	3 playing weeks
7	Deliberately elbowing	2 playing weeks
8	Undue rough play	Severe reprimand
9	Racial/discriminatory abuse	3 playing weeks
10	Use abusive language including obscene	1 playing weeks
11	Unsporting Conduct	Severe reprimand
Offences of charged persons towards Umpires, Coaches and Officials		
<i>No.</i>	<i>Offence</i>	<i>Minimum Penalty</i>
1	Striking, Kicking, Elbowing	26 playing weeks
2	Strike with ball or other object	26 playing weeks
3	Attempting to strike, kick, elbow or fight	26 playing weeks
4	Racial, Discriminatory abuse	3 playing weeks
5	Use abusive, obscene and/or threatening language	3 playing weeks
6	Unsporting conduct including disputing decisions	Severe reprimand

8. Non-Attendance of Player

Any player who does not appear before the Discipline Sub-Committee when ordered may be suspended by the Discipline Sub-Committee until such time as the player appears before it.

9. Appeal

A member may appeal to the Appeals Sub-Committee against a decision of the Discipline Sub-Committee in accordance with the Appeals Procedure Policy. A member may appeal on the basis that their matter was either incorrectly decided or conducted without regard for the provisions of this Policy, and may contest either the conviction or the severity of the penalty imposed.