

# BANKSTOWN CITY NETBALL ASSOCIATION INC.

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## *Appeals Policy*

### **1. APPEALS COMMITTEE**

The composition, jurisdiction and powers of the Appeals Committee shall be set out as in Clauses 24.5.2 and 26.8 of the Constitution.

### **2. INITIATION OF APPEAL PROCEEDINGS**

- 2.1 An Appellant must be a registered member of the Association. An affiliated club may lodge an appeal on behalf of a registered member or registered members.
- 2.2 An appeal must be lodged in writing with the Secretary, Bankstown City Netball Association inc., PO Box CP69, Condell Park NSW 2200, within seven (7) days of the Association's Disciplinary Decision.
  - 2.2.1 Where there are extenuating circumstances the Appeals Committee may, at its discretion, extend the time permitted for the lodgement of an Appeal.
  - 2.2.2 The prospective Appellant must provide written reasons as to why lodgement of the Appeal has been delayed.
- 2.3 The Secretary shall forward the appeal to the Appeals Convenor within twenty four (24) hours of its receipt.
- 2.4 The Appeals Convenor shall convoke the Committee who shall meet for the purposes of the particular appeal and arrange to hold an appeal hearing, where possible within seven (7) days of receipt of the appeal.
- 2.5 The Appeals Convenor shall, in consultation with the Appeals Committee, arrange for the appearance of those witnesses or other persons she or he deems necessary.
- 2.6 The Appeals Convenor shall provide an Appellant, the Committee whose decision is under review and all witnesses with at least seventy two (72) hours notice of both the time and the nature of the appeal.

### **3. APPEAL HEARING**

- 3.1 A member of the Appeals Committee shall be ineligible to hear any appeal concerning a matter in which she or he has a direct or indirect conflict of interest. A committee member shall be deemed to have a conflict of interest where:-
  - 3.1.1 She or he declares the existence of such a conflict;
  - 3.1.2 An affiliated club of which she or he is a member is a party to the appeal;
  - 3.1.3 An immediate family member is a party to the hearing;
  - 3.1.4 A majority vote of the remainder of the committee, not including reserve members, holds them to have such a conflict. In the event of a tied vote, the Appeals Convenor shall have the casting ballot. Where the Appeals Convenor is the subject of the vote the casting ballot, if required, shall be entrusted to another Executive Committee member.

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- 3.2 The Appeals Committee shall interview the Appellant. Where an Appellant seeks to have legal representation, it is mandatory that prior notification be made to the Appeals Convenor. The Appeals Committee may, at its discretion, refuse permission for the legal representative to attend the hearing.
- 3.3 The Appeals Committee shall interview any other person it has deemed appropriate. Neither the Appellant nor the maker of the decision being appealed shall be permitted to call witnesses or other persons to give evidence, although they may recommend such person to the Committee.
- 3.4 All written evidence tendered shall be left with the Appeals Committee to assist in its deliberations.

### **4. PRINCIPLES OF DELIBERATION**

- 4.1 The Appeals Committee shall refer to the Constitution, as well as the relevant policies of the Association, and the principles of natural justice, in making their determination.
- 4.2 The key principles of natural justice to be applied are:-
  - 4.2.1 An Appellant must be given a reasonable opportunity to present her or his case before a decision is made;
  - 4.2.2 The Appellant must lodge her or his appeal honestly and in good faith;
  - 4.2.3 An appeal may be conducted on the basis of written submissions. Oral submissions may not necessarily be required;
  - 4.2.4 All concerned parties must be given adequate notice to enable them to make their submissions.
  - 4.2.5 Any adverse material that may affect the decision should be disclosed and parties should have the opportunity to respond to any allegations;
  - 4.2.6 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 Appeals Committee;
  - 4.2.7 There is no requirement that any party have the opportunity to cross examine other parties;
  - 4.2.8 The Appeals Committee must be perceived by a reasonable person to be free from bias when making a decision
  - 4.2.9 The Appeals Committee is not bound by the rules of evidence.

### **5. DECISION**

- 5.1 The appeals committee shall endeavour to finalise its decision within forty eight (48) hours of completion of its enquiries.
- 5.2 The decision shall either be upheld or dismissed.
- 5.3 The decision shall be provided orally to the appellant or her or his representative within forty eight (48) hours.
- 5.4 The decision shall be provided in writing by the convenor to the appellant within seven (7) days.
- 5.5 The appellant's club shall be notified of the decision, if applicable.

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### 6. REPORTS TO THE EXECUTIVE COMMITTEE

- 6.1 Following the determination of any appeal a report will be made to the next meeting of the executive committee. The report will give a praecis of the substance of the appeal, details of the hearing process, the decision of the committee and any relevant recommendations. Such a report shall not disclose the identity of the appellant unless express permission for such disclosure has been obtained.
- 6.2 Copies of all correspondence relating to the appeal shall be provided to the secretary in a sealed envelope. All additional copies shall be shredded within fourteen (14) days.
- 6.3 An annual report, including any recommendations for change, shall be made by the appeals committee at the annual general meeting. Confidentiality in all matters is to be maintained by the appeals committee.