

BANKSTOWN CITY NETBALL ASSOCIATION INC.

Discipline Policy

1. AUTHORITY

The authority to adjudicate upon Disciplinary Matters within the Association and impose penalties where required is contained in Clauses 33 – 41 of the Constitution and extends to all registered members of the Association.

2. DISCIPLINE COMMITTEE

- 2.1 The composition and convocation of the Discipline Committee shall be as set out in Clause 24.5.1 and 26.7 of the Constitution.
- 2.2 The Discipline Committee shall have jurisdiction to adjudicate on any complaint of misconduct allegedly committed by a registered member of the Association referred to it by the Executive Committee.
- 2.3 The Discipline 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/s is to lodge a written report as soon as possible after the match is completed, not being later than forty eight (48) 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 forty eight (48) hours of the alleged incident having occurred and endorsed by their club executive.
- 3.3 Upon the lodgement of a complaint:-
 - 3.3.1 The Secretary shall advise the Executive Committee.
 - 3.3.2 The Executive Committee shall determine whether to refer the complaint to the Discipline Convenor.
 - 3.3.3 If the matter is referred to the Discipline Convenor all written documents received shall be provided to the Discipline Convenor who shall convene the Discipline Committee to consider the charge.

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4. NOTICE

- 4.1 Registered members required to appear before the Discipline Committee, shall be given a maximum of forty eight (48) hours written notice stating the charge alleged and the proceedings which will be invoked. Notice of the proceeding shall be forwarded to the Club Secretary.
- 4.2 Where a registered member is called before the Discipline Committee that person is to be advised that a support person may accompany them to the hearing.
- 4.3 Where a person under the age of eighteen (18) years is called before the Discipline Committee, that person is to be advised that their parent(s) or guardian(s) may accompany them to the hearing.
- 4.4 Witnesses required by the Discipline Committee will be notified of the hearing in writing within forty eight (48) hours.

5. HEARING

- 5.1 A member of the Discipline Committee shall be ineligible to hear any 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:-
 - 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;
 - 5.1.3 An immediate family member is a party to the hearing;
 - 5.1.4 A majority vote of the remainder of the 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 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 Committee on an ad hoc basis. In the event that the person admits the charges then the 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 Committee shall conduct a preliminary interview with the person charged
- 5.6 Each party concerned shall be recalled one at a time for examination by the members of the Discipline Committee.
- 5.7 The cited person shall be given the opportunity to examine each party concerned through the Discipline Committee.
- 5.8 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 Committee and then the cited person.
- 5.9 After all evidence has been given all persons except the Discipline Committee shall retire. Being satisfied that all the evidence it required to reach a decision has been established, the Discipline 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.
- 5.10 When the decision has been reached the cited person shall be recalled and the Discipline Convenor shall announce the findings.

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- 5.11 If the Discipline Committee finds the offence proved then the offending person shall have the right to make representations as to the penalty.
- 5.12 The Discipline 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 Committee. The Committee shall, where possible, have regard to the Schedule of Penalties at Clause 9 below.
- 5.13 The Discipline Committee should report the outcome of any hearing to the Executive Committee. The report shall not disclose the identity of the appellant unless express permission for such disclosure has been obtained. The report shall itemise the penalty given.

6. PRINCIPLES OF DELIBERATION

Natural justice provisions are to apply to the conduct of Discipline 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 A 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 must be acceptable as evidence.
- 6.5 The Discipline 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 Committee.
- 6.9 There is no requirement that any party have the opportunity to cross examine other parties.
- 6.10 The Discipline Committee must be perceived by a reasonable person to be free from bias when making a decision.
- 6.11 A member of the Discipline Committee cannot have any direct or indirect interest, pecuniary or otherwise, in the subject matter of the decision.
- 6.12 The Discipline Committee is not bound by the rules of evidence.

7. NON ATTENDANCE OF CITED MEMBER

Any registered member who does not appear before the Discipline Committee when ordered may be suspended by the Discipline Committee until such time as the player or team appears before it.

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8. APPEAL

- 8.1 A registered member can appeal to the Appeals Committee against a decision of the Discipline Committee in accordance with the Appeals Procedure Policy. A member can 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.

9. SCHEDULE OF PENALTIES (Note: Non-exhaustive and guidelines only)

- 9.1 Offences of charged person towards Players and Spectators

Number	Offence	Minimum Penalty
9.1.1	Fighting, striking with clenched fist	3 playing weeks
9.1.2	Strike with open hand	3 playing weeks
9.1.3	Kicking or attempting to kick	3 playing weeks
9.1.4	Strike opponent with ball or other object	3 playing weeks
9.1.5	Deliberately trip an opponent	3 playing weeks
9.1.6	Attempt to strike with clenched fist	3 playing weeks
9.1.7	Deliberately elbowing	2 playing weeks
9.1.8	Undue rought play	Severe reprimand
9.1.9	Racial or discriminatory abuse	3 playing weeks
9.1.10	Use abusive language including obscene	1 playing weeks
9.1.11	Unsporting conduct	Severe reprimand

- 9.2 Offences of charged person towards Umpires, Coaches and Officials

Number	Offence	Minimum Penalty
9.2.1	Striking, kicking or elbowing	26 playing weeks
9.2.2	Strike with ball or other object	26 playing weeks
9.2.3	Attempt to strike, kick, elbow or fight	26 playing weeks
9.2.4	Racial or discriminatory abuse	3 playing weeks
9.2.5	Use abusive or obscene language	3 playing weeks
9.2.6	Use threatening language	6 playing weeks
9.2.7	Unsporting conduct including disputing decisions	Severe reprimand