



NETBALL ACT – BY LAW 04/06 – DISCIPLINARY MATTERS

In accordance with the ACT Netball Association Limited (“Netball ACT”) Constitution, the following By Law is adopted by the Board of Netball ACT.

This Disciplinary By Law sets out the procedure for dealing with disciplinary actions and matters under the Netball ACT Constitution.

This By Law shall not apply to any incident or matter to which the member protection regulation of Netball ACT applies. Any member protection related matter should be dealt with in accordance with the disciplinary procedure set out in the member protection regulation of Netball ACT.

Establishment of Disciplinary Sub Committee

- 1 The Board shall establish a Disciplinary Sub Committee – By Law 02/06 - to deal with all disciplinary actions and matters under the Netball ACT Constitution.

Composition of Disciplinary Sub Committee

- 2 A Disciplinary Sub Committee of 3 persons shall be appointed by the Board for the purpose of hearing disciplinary actions and matters under the Netball ACT Constitution. The Board shall also appoint a member of the Disciplinary Sub Committee as Chair.
- 3 No Netball ACT Director or employee shall be a member of the Disciplinary Sub Committee.
- 4 Three (3) members of the Disciplinary Sub Committee shall constitute a quorum.
- 5 A vacancy on the Disciplinary Sub Committee shall be filled by the Board.

Notice of Alleged Breach

6 Where the Board is advised or considers that a Member of Netball ACT has allegedly:

- (a) breached, failed, refused or neglected to comply with a provision of the Constitution, the By Laws or any resolution or determination of the Board; or
- (b) acted in a manner unbecoming of a Member or prejudicial to the objects and interests of Netball ACT and/or netball; or
- (c) brought Netball ACT or netball into disrepute;

the Board may notify the Chair of the Disciplinary Sub Committee.

7 The Chair of the Disciplinary Sub Committee shall, as soon as practicable upon receipt of notice in accordance with clause 6, serve on the Member a notice in writing:

- (a) setting out the alleged breach of the Member and the grounds on which it is based;
- (b) stating that the Member may address the Disciplinary Sub Committee at a hearing to be held not earlier than 14 and not later than 28 days after service of the notice;
- (c) stating the date, place and time of that hearing;
- (d) informing the Member that he or she may do one or more of the following: -
 - (i) attend that hearing;
 - (ii) give the Disciplinary Sub Committee, before the date of the hearing a written statement regarding the alleged breach.

Disciplinary Sub Committee Procedures

8 At a hearing of the Disciplinary Sub Committee held in accordance with clause 7, the Disciplinary Sub Committee shall:

- (a) give to the Member every opportunity to be heard;
- (b) give due consideration to any written statement submitted by the Member; and
- (c) by resolution determine whether the alleged breach occurred.

- 9 Netball ACT and the Member shall not be entitled to legal representation at the hearing of the Disciplinary Sub Committee.
- 10 The Disciplinary Sub Committee shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the alleged breach occurred.
- 11 If the Disciplinary Sub Committee considers that the alleged breach occurred, it may impose any one or more of the penalties set out in clause 14.
- 12 If the Disciplinary Sub Committee considers that the alleged breach did not occur, the matter shall be dismissed.
- 13 Each party shall be responsible for their own costs associated with the Disciplinary Sub Committee hearing. The Disciplinary Sub Committee has no power to award costs to a party.

Penalties

- 14 If the Disciplinary Sub Committee considers that the alleged breach occurred, the Disciplinary Sub Committee may impose any one or more of the following penalties:
 - (a) impose a warning;
 - (b) fine the Member;
 - (c) where there has been damage to property, direct that the Member pay compensation to the relevant organisation which controls or has possession of the property;
 - (d) cease funding granted or given to it by Netball ACT from a specified date;
 - (e) suspend for a specified period and/or terminate any rights, privileges and benefits provided to that Member by Netball ACT;
 - (f) cease to sanction events held by or under the auspices of that Member;
 - (g) reprimand the Member;
 - (h) suspend the Member from membership of Netball ACT for a specified period;

- (i) expel the Member from Netball ACT;
- (j) any other such penalty as the Disciplinary Sub Committee considers appropriate.

Appeal from Decision of Disciplinary Sub Committee

- 15 A disciplinary action and matter may only be appealed to the Netball ACT Appeals Sub Committee.

Adopted by the Board of Netball ACT on 20 November 2006.