



NETBALL ACT – BY-LAW 05/06 – APPEALS

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

This Appeals By-Law sets out the procedure for dealing with appeals of Netball ACT decisions in relation to Member disciplinary matters, made under clause 11 of 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 Netball Australia Member Protection Policy.

As per clause 11.7 of the Netball ACT Constitution, this By-Law will not apply to any incident or matter to which the By-Laws, the Policies, or the Rules apply, and which include a disciplinary procedure. Any disciplinary matter which may be dealt with in accordance with the By-Laws, the Policies or the Rules will be dealt with in accordance with the disciplinary procedure set out in such By-Laws, Policies or Rules.

Appealing the outcome of disciplinary matters decided by Netball ACT

1. A Member of Netball ACT may appeal the outcome of a disciplinary decision to Netball ACT, in accordance with this By-Law.
 - a. Any appeal made in accordance with this By-Law must be made to the Chief Executive Officer/Public Officer within 14 days of notification of the disciplinary decision by Netball ACT.
 - b. The appeal must include a written statement to support the appeal.
 - c. A fee of \$300 must be paid to Netball ACT at the time of lodging the notice of appeal. If the appeal is successful, the fee will be refunded.

Once received, the appeal must be referred to the Board as soon as practicable.

- d. As per clause 11.6 of the Netball ACT Constitution, the Board may choose to not accept an appeal or other matter where it considers it has been properly addressed by a Member Association. If the Board chooses not to accept an appeal the fee is forfeited.



Establishment of Appeals Sub-Committee

2. The Board may establish an Appeals Sub-Committee to deal with appeals made by Members in relation to the outcome of a disciplinary matter.
 - a. Where such a Sub-Committee is established, the Board will appoint 3 persons to the Sub-Committee.
 - b. One of the 3 persons appointed will be a Netball ACT Board Director. The Board shall also appoint a member of the Appeals Sub-Committee as Chair.
 - c. Three (3) members of the Appeals Sub-Committee shall constitute a quorum.
 - d. A vacancy on the Appeals Sub-Committee shall be filled by resolution of the Board.

Appeal Procedures

3. These procedures will apply regardless of whether the appeal is dealt with by the Board or the Appeals Sub-Committee.
4. The appeal should be reviewed as soon as practicable, to assess if additional information is required to determine whether the appeal is upheld or dismissed.
5. The appeal shall be determined in the manner appropriate in the circumstances provided that it is done in accordance with the principles of natural justice. This could include considering the matters 'on the papers' or convening a hearing (including by way of teleconference, video conference or otherwise).
6. The purpose of a hearing, if required, shall be to determine whether the appeal is upheld or dismissed. Any hearing shall:
 - a. be convened not later than 28 days after receipt of the appeal by the Chief Executive Officer/Public Officer;
 - b. give to the Member every opportunity to be heard;
 - c. give due consideration to any written statement submitted by the Member; and
 - d. obtain and give due consideration to any other relevant information, including from other Members, the Board or Netball ACT staff where applicable.
7. Netball ACT and the Member shall not be entitled to legal representation.



8. If the Appeals Sub-Committee considers the appeal, it will make a recommendation to the Board, which will consider it within 14 days of receipt.
9. The Board will determine whether the appeal is upheld or dismissed.
 - a. If upheld, the Board will initiate appropriate action and return the fee.
 - b. If dismissed, the fee shall be forfeited.
10. The Chief Executive Officer/Public Officer shall notify the Member of the appeal outcome within 7 days of the Board's determination.
11. Each party shall be responsible for their own costs associated with the appeal process.

Adopted by the Board of Netball ACT on 9th August 2022