



Bowls North (Inc.)

POLICY

DISCIPLINARY REGULATIONS

Adopted June 2012

1. DEFINITIONS

Bowler means a financial bowling member who has paid the Bowls North (Inc) capitation fee.

Controlling Body has the same meaning as set out in Law 1A of the *Laws of the Game of Bowls in Australia*.

Member means a member for the time being as set out in Rule 10 of the constitution of Bowls North (Inc).

.All other defined terms and expressions shall have the same meaning as in the Bowls North (Inc) constitution and the *Laws of the Game of Bowls in Australia*.

2. APPLICATION OF REGULATIONS

These Regulations shall apply to the following parties:

- (a) to any controlling body within the jurisdiction of Bowls North which has no disciplinary provisions in place or, in the opinion of the President, no adequate disciplinary provisions in place;
- (b) to bowlers participating in events, teams or squads which are subject to the authority of Bowls North; or
- (c) in respect of any disciplinary matter which is referred from a subordinate controlling body and which in the opinion of the President or his/her nominee is an appropriate matter for Bowls North to determine.

3. ESTABLISHMENT OF JUDICIARY COMMITTEE

In order to effect these Regulations the Board of Bowls North shall establish a Judiciary Committee comprised of three members:

- (a) a chairman who shall be a member of Bowls North (Inc) and nominated by the President of Bowls North;
- (b) the Chairman of the Bowls North Umpires Panel or his/her nominee; and
- (c) one other independent member of the Board of Bowls North.

The Judicial Committee shall be appointed for such time and for such purposes as may be required under these Regulations. One member of the Judiciary Committee shall be appointed secretary.

4. MATTERS WHICH MAY BE REFERRED TO THE JUDICIARY COMMITTEE

- (a) An allegation that a Controlling Body under the jurisdiction of Bowls North has:
 - (i) breached, failed, refused or neglected to comply with the constitution, rules, regulations or policies of Bowls North or any resolution or determination of the Board or other entity exercising delegated authority of Bowls North (except as provided for in the *Laws of the Game*);
 - (ii) acted in a manner unbecoming or prejudicial to the objects and interests of Bowls North, a Controlling Body and/or the sport of bowls;
 - (iii) brought Bowls North, a Controlling Body or the sport of bowls into disrepute
- (b) any complaint or disciplinary matter in respect of a bowler which has been made directly to Bowls North or has been referred by a Controlling Body;
- (c) any allegation against a person who is in receipt of financial or other assistance from Bowls North whether or not that person is a bowler.

5. FORM OF COMPLAINT

Any allegation shall be in writing, signed by the complainant or a person authorised to sign documents on behalf of a Controlling Body.

All allegations shall be specific as to time, date, place, and nature of the alleged incident.

6. NATURE OF PROCEEDINGS

- (a) On receipt of the allegation or referral, the Bowls North Association Secretary shall advise the members of the Judiciary Committee, who will determine an appropriate date, time and place for a hearing by the Judiciary Committee. The meeting shall be no less than fourteen (14) days or more than twenty-one (21) days from the receipt of the allegation or referral unless that matter requires urgent action in which case the matter may be heard earlier subject to the availability of key witnesses and timing of relevant competitions.

(Note: Should there be a requirement for the defendant to be given a copy of any complaint prior to any decision to hold a formal hearing)

- (b) the Secretary of the Judiciary Committee shall notify in writing the members of the Judiciary Committee, the defendant and any complainant and/or relevant Controlling Body of the date, time and place of the hearing and, in addition, shall advise that each party to the proceedings has the right
 - (i) to make written submissions to be received by the Judiciary Committee Secretary not less than five (5) days prior to the hearing; and
 - (ii) to appear at the hearing and/or be represented by a person who is not legally qualified.
- (c) No person who is an interested party shall participate in the determination of the proceedings in any way.

- (d) The Judiciary Committee may invite a legally qualified person to be present at a hearing to render advice or assistance concerning any legal issue raised in the hearing, provided that any such person shall not participate in any deliberations or vote of the Judiciary Committee in relation to its findings or its decision.
- (e) Subject to these Regulations, the Judiciary Committee shall conduct the hearing as it sees fit and, in particular, shall not be bound by the rules of evidence or unnecessary formality. The defendant must be advised of the hearing procedure determined by the Judiciary Committee at or before the commencement of the proceedings.
- (f) The Judiciary Committee shall be entitled to call such evidence as it sees fit, all Members, Bowlers, Officials or other parties subject to these Regulations shall be compelled to provide such evidence as they are able. The Judiciary Committee may adjourn a hearing for a reasonable time if this is considered necessary.
- (g) If the Judiciary Committee, having taken into account the written and verbal submissions and other evidence of the parties, considers the allegations sustained, the Judiciary Committee may impose such penalty as it considers appropriate as set out in Clause 7 below. In all other cases, the proceedings shall be dismissed.
- (h) If a decision cannot be given immediately after the proceedings, the relevant party or parties must be advised of the time and place at which the decision will be announced.
- (i) The decision, any penalty, the reason for the decision and notice of the person's appeal rights shall be given in writing and signed by the secretary of the Judiciary Committee as soon as practicable following the determination of the Judiciary Committee.

7. PENALTIES

Penalties which may be imposed, subject always to any limitations in the relevant legislation or the *Laws of the Game* include:

- (a) a reprimand
- (b) a fine
- (c) suspension of such activities, on such terms and for such periods (up to 24 months) as is considered fit
- (d) exclusion from a particular activity, event or events
- (e) disqualification, for such period as it considers fit
- (f) any other penalty considered appropriate in the circumstances.

8. EFFECT OF PENALTY

- (a) The defendant may continue to participate in the sport of bowls, whether a player, administrator, official or administering body, until and unless there has been an adverse determination of the Judiciary Committee which excludes the defendant.

- (b) Where a Controlling Body is suspended under these Regulations, its membership of, and representation, rights and privileges in Bowls North shall be forfeited during the period of such suspension.
- (c) Where a Controlling Body, Official, or Bowler is suspended under these Regulations, all privileges in Bowls North and any other relevant Controlling Body shall be suspended during the currency of the suspension.
- (d) .
- (e) Where a Controlling Body, Official or Bowler is expelled under these Regulations, its/his/her privileges in Bowls North and any other relevant Controlling Body shall be forfeited immediately.
- (g) Notice of any penalty, suspension or disqualification imposed shall be given by the Secretary to Bowls North, who shall forward to all Controlling Bodies and shall be mutually recognised by all Controlling Bodies immediately upon receipt of such notice. Reinstatement of any Member, Bowler, Official or other party subject to these Regulations by Bowls North shall be recognised by all controlling bodies immediately upon receipt of such notice.

9. APPEALS COMMITTEE

9.1 Composition of Appeals Committee

There shall be an Appeals Committee comprised of three persons being

- (a) a legally qualified person, appointed by the Bowls North (Inc) President
- (b) 2 members of the Board of Bowls North (Inc) nominated by the Bowls North (Inc) President.

No person who is an interested party may participate in the determination of the appeal in any way.

9.2 Grounds for Appeal

The available grounds for appeal are:

- (a) where a decision is wrong having regard to the application of the relevant Rule, Regulation, Policy or Law of the Game or where new evidence becomes available;
- (b) where natural justice has been denied; or
- (c) in respect of the penalty imposed.

9.3 Conduct of the Appeal

- (a) The following matters notified in writing to the Secretary or his/her nominee and specifying the grounds of the appeal relied upon (Notice of Appeal) shall be referred to the Appeals Committee for determination:
 - (h) an appeal lodged within 14 days of receipt of notice of the determination by the Judiciary Committee, by a party who or which has received a penalty or is the subject of an adverse finding by the Judiciary Committee;
 - (ii) any appeal lodged within 14 days of the relevant determination of a party from a decision under **Laws 59, 65 or 68** of the *Laws of the Game*
- (b) A person or body who wishes to appeal a decision of the Judiciary Committee shall at then time of lodging the Notice of Appeal lodge with the Bowls North

Association Secretary the sum of \$50.00 in clear funds (Bond). The determination of the Appeals Committee shall be final and shall not be subject to further appeal.

- (c) Subject to this sub-paragraph, the proceedings of the Appeals Committee in determining the appeal shall be the same or similar in respect of the Judiciary Committee set out in Clause 6 above, with such incidental variations as are appropriate or necessary to give full effect to these Regulations. The hearing of the Appeals Committee is not a rehearing of the matter but a hearing of the issue under appeal only. Legal representation shall be available to any party to the appeal. Any dispute as to the application of this Regulation shall be determined by the Appeals Committee in its discretion.
- (d) In the matter of an appeal under Regulation 9.3(a), the Appeals Committee may in its discretion confirm the penalty or adverse finding of the Judiciary Committee, or may decide not to confirm such penalty but instead impose an alternative penalty available under Clause 7 above (with such incidental variations as are necessary or appropriate to give full effect to these Regulations), or may revoke the penalty or adverse finding of the Judiciary Committee.
- (e) The effect of the penalty imposed by the Appeals Committee shall be the same as set down in Clause 8 above with such incidental variations as are necessary or appropriate to give full effect to these Regulations.
- (f)
 - (i) If the Appeals Committee revokes the penalty or adverse finding of the Judiciary Committee, the bond shall be refunded in full to the person appealing within 14 days of the determination of the Appeals Committee.
 - (ii) In all other appeals the Appeals Committee in its complete discretion determine that one half of the bond shall be refunded to the person appealing within 14 days of the decision of the Appeals Committee if it satisfied that the appeal was not frivolous.

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