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# **NETBALL VICTORIA**



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## **NETBALL VICTORIA COMPETITION REGULATIONS**

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**EFFECTIVE FROM  
31 JULY 2012**

## PART I – DEFINITIONS

**“Affiliated Associations”** means those entities which are affiliated members of Netball Victoria in accordance with Netball Victoria’s constitution.

**“Affiliated Clubs”** means a member of an Affiliated Association, which may include teams, clubs or organisations (howsoever described).

**“Appeal Hearing”** means the process by which an appeal is heard and determined by an Appeal Panel.

**“Appeal Officer”** means an impartial and independent person appointed by an Organising Body to decide whether there are sufficient grounds for appeal.

**“Appeal Panel”** means the body appointed by an Organising Body which will conduct an Appeal Hearing and make a determination.

**“Appellant”** means the person seeking to appeal a decision made by a Hearing Officer or Hearing Panel.

**“Complaint”** is an allegation made by a person that another person has committed an Offence.

**“Complainant”** means the person who lodges a Complaint. This includes, but is not limited to, members of the Organising Body, an umpire, a coach, a team official or an official that has been so empowered by the relevant Organising Body.

**“Hearing”** means the process by which a Complaint is heard and determined by a Hearing Officer or Hearing Panel.

**“Hearing Officer”** means an impartial and independent person appointed by an Organising Body to hear and determine the Complaint.

**“Hearing Panel”** means the body appointed by an Organising Body which may conduct a Hearing and make a determination.

**“Natural Justice”** is the right to be given a fair hearing and the opportunity to present one’s case, the right to have a decision made by an unbiased or disinterested decision maker and the right to have that decision based on logically probative evidence.

**“Offence”** means an action or actions that are not permitted within the Regulations as per Part III – Offences.

**“Organising Body”** means the organiser of a netball Tournament, Competition, Activity or Event including but, not limited to Netball Victoria, Affiliated Associations and Affiliated Clubs.

**“Region”** means those areas of Victoria recognised as regions by Netball Victoria from time to time.

**“Regulations”** means the Competition Regulations.

**“Respondent”** means the person, team or club who the Complaint is made about.

**“Tournament, Competition, Activity and Event”** means any netball tournament, netball competition, netball related activity or netball related event conducted by an Organising Body.

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## PART IV – COMPLAINTS PROCEDURE

### 7. HOW IS A COMPLAINT MADE?

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- 7.1 The Complaint may relate to a person, team or club which, in the opinion of the Complainant has committed an Offence under the Regulations.
- 7.2 The Complaint must relate to an Offence arising from a Tournament, Competition, Activity or Event conducted by an Organising Body.
- 7.3 The Offence may occur:
- (a) Before, during or after the conduct of the Tournament, Competition, Activity or Event;
  - (b) Within the confines or immediate surrounds of the venue to which the Tournament, Competition, Activity or Event is being held;
  - (c) Online, including but not limited to, email and social media outlets, as per Netball Victoria's Cyber Safety Policy;
  - (d) Elsewhere, if directly related to a Tournament, Competition, Activity or Event conducted by the Organising Body.
- 7.4 A Complainant who makes a Complaint under this Regulation shall enter the details of the alleged Offence(s) on the Complaint Form (**Attachment 3**), noting all the particulars in connection with the Complaint so that a clear account can be given to the Hearing Officer when the Complaint is to be dealt with.
- 7.5 A Complaint should be made as soon as possible (but in any case within two (2) working days) after the Offence is alleged to have occurred.
- 7.6 Under the Regulations a Complainant shall lodge the Complaint Form with the Hearing Officer, or if that is not possible, leave the Complaint Form in a sealed envelope at the Tournament, Competition, Activity or Event venue, or at the office of the Organising Body, marked to the attention of the Hearing Officer.
- 7.7 Where an Organising Body or an official of an Organising Body believes an Offence may have been committed and no Complaint has been made, the Organising Body may submit a Complaint to the Hearing Officer as soon as possible (but in any case within two (2) working days) after the Offence is alleged to have occurred.
- 7.8 If there is uncertainty as to whether a Complaint should be dealt with under the Regulations, the Organising Body must notify Netball Victoria who will determine whether the Regulations apply or if the Complaint should otherwise be dealt with.

### 8. HOW IS A COMPLAINT DEALT WITH?

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- 8.1 Any Complaint Form received by an Organising Body must be forwarded to the Hearing Officer.
- 8.2 If the Hearing Officer is a party to the Complaint, another independent Hearing Officer must be appointed by the Organising Body.

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## PART III – OFFENCES

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### 6. WHAT CONSTITUTES AN OFFENCE UNDER THE REGULATIONS?

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6.1 An offence under the Regulations includes, but is not limited to:

- (a) Disputing the decision(s) of an umpire
- (b) Abuse of an umpire
- (c) Unsportsmanlike behaviour
- (d) Gross breach of Code of Conduct
- (e) Online breach of Code of Conduct as per the Netball Victoria Cybersafety Policy
- (f) Attempting to trip, strike, elbow or kick
- (g) Tripping, striking, elbowing or kicking
- (h) Obscene gestures
- (i) Offensive language (which may include abusive, obscene or insulting language)
- (j) Fighting
- (k) Spitting
- (l) Threatening a person
- (m) Deliberately endangering the health and safety of any player, spectator or official (incidents involving blood/body fluids)
- (n) Failure to co-operate in, or hindering an investigation or Hearing under this Regulation.
- (o) Failure by any person required to attend a Hearing without proper cause when notified
- (p) Coaching, umpiring, playing or engaging in scorebench duties while under suspension

#### **4. WHAT DO WORDS IN THE REGULATIONS MEAN?**

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In the Regulations, words appearing with a capital shall have the meaning set out in Part I – Definitions which will form part of the Regulations.

#### **5. RESPONSIBILITIES UNDER THE REGULATIONS**

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5.1 An Organising Body must:

- (a) Comply with the Regulations;
- (b) Recognise and enforce any penalty imposed under the Regulations;
- (c) Publish, distribute and promote the Regulations (and any amendments made to it from time to time) to its members and make the Regulations available for inspection, or provide a copy when requested to do so;
- (d) Appoint a Hearing Officer to be responsible for dealing with reports made under the Regulations. Netball Victoria must be officially notified of the appointment of a Hearing Officer in writing as per the Hearing Officer Nomination Form (**Attachment 1**); and
- (e) Appoint an Appeal Officer to be responsible for dealing with appeals from determinations made under the Regulations. Netball Victoria must be officially notified of the appointment of an Appeal Officer in writing as per the Appeal Officer Nomination Form (**Attachment 2**); and
- (f) Collect the contact details of the secretary/captain of each club/team entered into any Tournament, Competition, Activity or Event organised by the Organising Body so that the secretary/captain may be advised of any Complaint made under the Regulations.

5.2 The Committee of an Organising Body is responsible for taking all reasonable steps to ensure implementation, compliance and enforcement of the Regulations.

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## PART II – INTRODUCTION

### 1. WHAT IS THE PURPOSE OF THE COMPETITION REGULATIONS?

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- 1.1 The purpose of the Competitions Regulations (“the Regulations”) is to deal with Offences which may arise in the conduct of netball Tournaments, Competitions, Activities and Events throughout Victoria.
- 1.2 The Regulations set out the procedures to be followed in dealing with Offences in an effective, appropriate and timely manner.

### 2. WHAT IS THE STATUS OF THE REGULATIONS?

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- 2.1 The Regulations are issued by the Board of Netball Victoria under Rule 36(1) of the Netball Victoria Constitution.
- 2.2 The Regulations are effective from 31<sup>st</sup> July 2012.
- 2.3 The Regulations may be amended from time to time by the Board of Netball Victoria in accordance with Rule 36(1) of the Netball Victoria Constitution.

### 3. WHO DO THE REGULATIONS APPLY TO?

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- 3.1 The Regulations apply to the following organisations and individuals:
  - (a) Coaches (including assistant coaches) who:
    - (i) are appointed and/or employed by Organising Bodies (whether paid or unpaid); or
    - (ii) have an agreement (whether or not in writing) with an Organising Body to coach at a facility owned or managed by the Organising Body;
  - (b) Umpires and other officials involved in the regulation of the sport appointed by an Organising Body;
  - (c) Netball Victoria registered members who enter any Tournament, Competition, Activity or Event which is conducted or sanctioned by an Organising Body;
  - (d) An Organising Body; and
  - (e) All members of an Organising Body.
- 3.2 For the avoidance of doubt, an Organising Body is bound to follow the procedures set out in the Regulations:
  - (a) When participating in any Tournament, Competition, Activity or Event held by Netball Victoria; or
  - (b) When conducting any Tournaments, Competitions, Activities or Events.



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**9. HEARING**

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- 9.1 The purpose of the Hearing shall be to determine whether the Respondent has committed the Offence(s) as charged under the Regulations. If a charge is found proven, any one or more of the penalties set out in Part V of the Regulations may be imposed.
- 9.2 If a Hearing Officer determines that the appropriate course of action is to proceed to a Hearing, the Hearing Officer shall as soon as possible do the following:
- (a) Determine the composition of the hearing:
    - (i) Hearing Officer; or
    - (ii) Hearing Panel appointed by the Organising Body which shall comprise of three (3) individuals including the Hearing Officer, who must be members of the Organising Body or members of another Organising Body.
  - (b) Send to the Complainant and Respondent:
    - (i) A notice detailing the particulars of the alleged Offence(s) including details of when and where it is said to have occurred;
    - (ii) A notice setting out the date, time and place for the Hearing which shall be as soon as reasonably practicable after receipt of the initial Complaint; and
    - (iii) A copy of all relevant documentation pertaining to the Complaint.
- 9.3 The parties to the Hearing shall include:
- (a) The Complainant;
  - (b) The Respondent; and
  - (c) Any witnesses which the Hearing Officer considers necessary to participate in the Hearing.
- 9.4 A Hearing must be held as soon as is practicable after receipt of the initial Complaint by the Hearing Officer, preferably within seven (7) days.
- 9.5 The Hearing Officer or Hearing Panel shall hear and determine the charge(s) 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 Natural Justice.
- 9.6 If the Complainant or Respondent fails to attend a Hearing without reasonable cause, the Hearing may proceed and a determination made by the Hearing Officer or Hearing Panel in their absence, provided that they are satisfied that all notification procedures under the Regulations have been carried out.
- 9.7 Both the Complainant and the Respondent are entitled to support throughout this process from a chosen support person.
- 9.8 No party to a Hearing may be represented by a barrister or solicitor. A party may be represented at a Hearing by an advocate who is not a barrister or solicitor.
- 9.9 Each party to a Hearing shall bear their own costs in relation to the Hearing.

- 8.3 All Complaints must remain private and confidential between the Complainant, Respondent, Hearing Officer and any other parties deemed necessary by the Hearing Officer.
- 8.4 Except as otherwise provided in the Regulations, the Hearing Officer shall keep the Complaint (including, but not limited to, the nature of the Complaint, information obtained before, during and after the Complaint has been resolved) confidential.
- 8.5 The Hearing Officer shall be indemnified by the Organising Body which appointed them, from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a Hearing Officer under the Regulations.
- 8.6 Upon receipt of a Complaint Form, the Hearing Officer shall have the following duties:
- (a) Confirm that the Complainant has entered all the details of the alleged Offence(s) on the Complaint Form and that all the particulars in connection with the Complaint have been noted.
  - (b) Notify the Respondent, through the club secretary/team captain, that a Complaint has been made.
  - (c) Provide the Respondent with a copy of the Complaint Form and ask them to respond by completing the Respondent Form (**Attachment 4**) detailing their version of events.
  - (d) Assess the Complaint, together with any associated reports and correspondence, to determine whether any further investigation is required.
- 8.7 If the Hearing Officer determines that further investigation is required, the following steps are to be taken:
- (a) The Complainant will be interviewed and the information obtained from the interview documented in writing by the Hearing Officer.
  - (b) The information obtained from the interview with the Complainant will be conveyed to the Respondent in full. The Respondent will be interviewed and the information obtained in response to the Complaint documented in writing by the Hearing Officer.
  - (c) If there is a dispute over facts, statements from witnesses and other relevant evidence will be obtained.
- 8.8 The Hearing Officer will make a finding as to whether the Complaint is:
- (a) Substantiated (there is sufficient evidence to support the Complaint).
  - (b) Unsubstantiated (there is insufficient evidence to support the Complaint).
- 8.9 If the Hearing Officer makes a finding that the Complaint is substantiated, the Hearing Officer must determine what Offence(s) the Respondent is to be charged with under the Regulations.
- 8.10 Based on the finding of the Hearing Officer in clause 8.8, the Hearing Officer may:
- (i) Determine that no disciplinary action is required and dismiss the Complaint; or
  - (ii) Make a determination in relation to the Complaint and impose the appropriate penalty in accordance with Part V of the Regulations; or
  - (iii) Determine that the matter should proceed to a Hearing.

- 9.10 The Hearing Officer or Hearing Panel shall give their decision at the conclusion of the Hearing to the parties involved.
- 9.11 The Hearing Officer or Hearing Panel will prepare a written statement outlining the decision and deliver it to:
- (a) The Complainant;
  - (b) The Respondent;
  - (c) The Organising Body; and
  - (d) Any other party represented at the Hearing.
- 9.12 The Respondent has the right to appeal any decision made by the Hearing Officer or Hearing Panel. The appeals process is set out in Part VI of the Regulations.
- 9.13 To the extent of any inconsistency between the hearing procedure set out in the constitution of the Organising Body and the hearing procedure set out in the Regulations, the Regulations shall prevail in relation to all Complaints made under the Regulations.

## PART V – PENALTIES

### 10. WHAT PENALTIES MAY BE IMPOSED?

- 10.1 Persons on a first offence shall have this taken into account when assessing the penalty to be imposed.
- 10.2 The Hearing Officer or Hearing Panel may take into account the Respondent's prior history in determining a penalty to be imposed provided the penalty does not exceed the maximum penalties assigned to offences under clause 10.5.
- 10.3 If the Hearing Officer or Hearing Panel considers that a charge has been proven, any one or more of the following penalties may be imposed:
- (a) A warning;
  - (b) A monetary fine;
  - (c) Suspension;
  - (d) Disqualification; and/or
  - (e) Any other such penalty as the Hearing Officer or Hearing Panel considers appropriate.
- 10.4 The range of penalties set out in clause 10.5 may be imposed at the discretion of the Hearing Officer or Hearing Panel. Clause 10.5 sets out the standard offences and maximum penalties to be applied by the Hearing Officer or Hearing Panel where a charge has been found proven. Whether a penalty is to be imposed shall be at the discretion of the Hearing Officer or Hearing Panel.
- 10.5 Should the Hearing Officer or Hearing Panel determine that a period of suspension is required, the Hearing Officer or Hearing Panel must not apply a period of suspension which would exceed the maximum penalty for an Offence as listed below.
- (a) Disputing the decision(s) of an umpire  
Maximum Penalty: 2 weeks
  - (b) Abuse of an umpire  
Maximum Penalty: 4 weeks
  - (c) Unsportsmanlike behaviour  
Maximum Penalty: 4 weeks
  - (d) Gross breach of Code of Conduct  
Maximum Penalty: 6 weeks
  - (e) Online breach of Code of Conduct as per the Netball Victoria Cybersafety Policy  
Maximum Penalty: 10 weeks
  - (f) Attempting to trip, strike, elbow or kick  
Maximum Penalty: 4 weeks
  - (g) Tripping, striking, elbowing or kicking  
Maximum Penalty: 8 weeks

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- (h) Obscene gestures  
Maximum Penalty: 2 weeks
  - (i) Offensive language (which may include abusive, obscene or insulting language)  
Maximum Penalty: 2 weeks
  - (j) Fighting  
Maximum Penalty: 8 weeks
  - (k) Spitting  
Maximum Penalty: 4 weeks
  - (l) Threatening a person  
Maximum Penalty: 4 weeks
  - (m) Deliberately endangering the health and safety of any player, spectator or official  
(incidents involving blood/body fluids)  
Maximum Penalty: 10 weeks
  - (n) Failure to co-operate in, or hindering an investigation or Hearing under this Regulation.  
Maximum Penalty: 2 weeks
  - (o) Failure by any person required to attend a Hearing without proper cause when notified  
Maximum Penalty: 2 weeks
  - (p) Coaching, umpiring, playing or engaging in scorebench duties while under suspension  
Maximum Penalty: 4 weeks
- 10.6 If a Hearing Officer or Hearing Panel believe that exceptional circumstances exist whereby the penalty to be imposed should exceed the maximum penalty as outlined in clause 10.5, the Hearing Officer or Hearing Panel must contact Netball Victoria for approval to impose such a penalty.
- 10.7 Any incident outside the Offences listed in the Regulations should be referred to Netball Victoria as stated in clause 7.8.
- 10.8 Where charges for Offences arising from one particular incident are heard together and the Hearing Officer or Hearing Panel finds the Respondent guilty of more than one offence, they may impose a single penalty, being not more than the maximum penalty for the most serious of the offences, or may impose individual penalties for each offence.
- 10.9 If the Hearing Officer or Hearing Panel is not satisfied that the particular charge has been proven, but is satisfied that a lesser charge has been proven, the Hearing Officer or Hearing Panel may apply the penalty applicable to the lesser charge.
- 10.10 The Hearing Officer or Hearing Panel has the right to direct that a person other than the Respondent be charged with an Offence under the Regulations on the basis of evidence presented before them during the course of conducting an investigation or Hearing.
- 10.11 A penalty imposed under this section shall commence from the date of the Hearing Officer or Hearing Panel's determination unless otherwise expressly directed by the Hearing Officer or Hearing Panel. Penalties should, wherever possible, be expressed in calendar weeks, as opposed to number of matches.
- 10.12 The Hearing Officer or Hearing Panel has the discretion to rule that a penalty be suspended for the number of weeks which may fall between a Tournament, Competition, Activity or Event.

- 10.13 Where a Hearing Officer or Hearing Panel imposes more than one period of suspension, they may direct that the suspension be served concurrently, cumulatively or part concurrent and part cumulative.
- 10.14 The Respondent shall be entitled to participate in any Tournament, Competition, Activity or Event conducted by an Organising Body until such time as the Hearing Officer or Hearing Panel has heard and determined the Complaint.
- 10.15 A Respondent who has been found guilty of an Offence and received a penalty under the Regulations shall not play, coach, umpire or otherwise take part in any Tournament, Competition, Activity or Event conducted by the Organising Body as directed by the Hearing Officer or Hearing Panel until the penalty has been served to the satisfaction of the Organising Body.
- 10.16 The Hearing Officer or Hearing Panel must give written reasons for their decision under the Regulations.
- 10.17 The Hearing Officer and Hearing Panel must keep a confidential record of the decision and notify the Organising Body of the decision within seven (7) days.
- 10.18 A Respondent shall only serve penalties imposed by the Hearing Officer or Hearing Panel within the Organising Body in which the Offence occurred.
- 10.19 Netball Victoria may waive the operation of clause 10.15 if it deems it appropriate to do so. In this case:
- (a) Netball Victoria will notify the Hearing Officer and the Organising Body;
  - (b) If the penalty imposed by the Hearing Officer or Hearing Panel affects another Organising Body required to comply with the Regulations, Netball Victoria shall as soon as possible notify the relevant Organising Body of the penalty; and
  - (c) Every Organising Body to which the Regulations apply shall recognise and enforce any decision made by Netball Victoria under clause 10.19.

## PART VI – APPEALS

### 11. CAN A DECISION BE APPEALED?

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- 11.1 There shall be no appeal from a decision made by a Hearing Officer or Hearing Panel unless the Appellant (previously known as the Respondent) believes that one or more of the following grounds of appeal exist:
- (a) that significant new or additional evidence has become available;
  - (b) that the penalty imposed by the Hearing Officer or Hearing Panel is not in accordance with the Regulations; or
  - (c) that the Hearing Officer or Hearing Panel failed to follow procedures or requirements of the Regulations to the significant detriment of the Respondent.
- 11.2 Only the original Respondent shall have the right of appeal from a decision made by the Hearing Officer or Hearing Panel.
- 11.3 The Appeal Officer will determine one of the following:
- (a) That the Appellant has not established any of the grounds for the appeal; or
  - (b) That the Appellant has established one or more of the grounds for the appeal;
- 11.4 If the Appeal Officer determines that the Appellant has not established any of the grounds for appeal, the Appeal Officer may dismiss the appeal and direct that the Appellant abide by the original penalty as imposed by the Hearing Officer or Hearing Panel.
- 11.5 If the Appeal Officer determines that the Appellant has established one or more of the grounds for the appeal they shall direct that the appeal proceed and that there be a rehearing of the charge ("Appeal Hearing").
- 11.6 The Appeal Officer may direct that the penalty imposed by the Hearing Officer or Hearing Panel be deferred pending the determination of the appeal.

### 12. NOTICE OF APPEAL

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- 12.1 The Appellant must lodge a Notice of Appeal (**Attachment 5**).
- 12.2 The Notice of Appeal must state the full details of charge(s), the decision by the Hearing Officer or Hearing Panel and the grounds of appeal.
- 12.3 The Notice of Appeal must be lodged within fourteen (14) days of the notification of the decision of the Hearing Officer or Hearing Panel.
- 12.4 The Appellant shall be notified as soon as is reasonably possible after receipt of the Notice of Appeal as to whether an Appeal Hearing is to be granted and the time, date and place of the Appeal Hearing in the event that it is granted. Notice must also be given to the Organising Body, the original Complainant and the Hearing Officer or Hearing Panel which made the original decision.

**13. APPEAL HEARING**

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- 13.1 Where the Appeal Officer directs that an Appeal Hearing take place, the Organising Body must convene an Appeal Panel which shall comprise three (3) individuals including the Appeal Officer, who must be members of the Organising Body or members of another Organising Body.
- 13.2 The Hearing Officer or any member of the Hearing Panel which determined the original Complaint may not act as the Appeal Officer or be appointed to the Appeal Panel.
- 13.3 The Appeal Panel and any person appearing at an Appeal Hearing are bound by the same procedures under Part IV of the Regulations as if the Appeal Panel was hearing the matter in the first instance.
- 13.4 The Appeal Panel shall have the discretion to conduct the Appeal Hearing as a complete re-hearing or to limit the Appeal Hearing to consideration of the ground(s) of appeal relied upon by the Appellant.
- 13.5 The Appeal Panel shall have the power to:
- (a) Dismiss the appeal;
  - (b) Uphold the appeal;
  - (c) Impose any of the penalties set out in Part V of the Regulations; and/or
  - (d) Reduce, increase or otherwise vary any penalty imposed in the first instance by the Hearing Officer or Hearing Panel;
- in such manner as it thinks fit.
- 13.6 The Appeal Panel must give oral and written reasons for its decision.
- 13.7 At the conclusion of the Appeal Hearing, the Appeal Panel shall ensure that the Appellant, the original Complainant and the Organising Body are correctly informed of the determination of the Appeal Panel.
- 13.8 There shall be no right of appeal from a decision of the Appeal Panel. The decision of the Appeal Panel is final and binding on the parties.