

SECTION 25 COMPLAINT HANDLING PROCEDURES

The procedure applies to the following members and individuals:

- a) Players, Coaches (including assistant coaches), Umpires and any other official or clubs who enter any BNA competition, program, or event; and
- b) Spectators who are not members of BNA will be deemed as being associated with the club and/or team they are supporting at the time of any incident.
- c) Executive Committee Members include: President, Vice President, Secretary, Treasurer and **Representative from Umpire Development Team.**

25.1 If an issue arises during a game:

- 1) Team captain is to approach the umpires of the game at the next game interval (quarter time/half time) and advise them of the concern. In junior games the captain and coach may approach the umpire.
- 2) If you do not feel the outcome is satisfactory please locate and speak to a committee member.

25.2 If issue is not resolved during game

25.2.1 A complaint may be lodged by the Club President or entity team manager/captain in **writing and/or official form** within **72 hours of the match**. The offence may have occurred before, during or after the competition, program, or event, but must have occurred on BNA premises. **The car park does not form part of BNA premises.**

25.2.2 The committee will refuse to accept complaints that have not been submitted by the Club President or entity team manager/captain and any complaints that are deemed to be frivolous, vexatious, or otherwise mischievous in their nature. The final decision will rest with the **President and Vice President OR Executive Committee??.**

25.2.3 Where an Association Committee member or Official believes an offence may have been committed or the Committee receives a letter of complaint, but no report has been made the Committee may investigate or appoint a person to investigate the alleged offense. If after the investigation, the Committee or the person appointed to investigate recommends that a report should be made, the Committee or person appointed to investigate may make a report. A report arising out of an investigation conducted under this clause should be made within one week

of the date on which the alleged offence took place, however the report should be made sooner where possible.

25.2.4 A decision shall be made by **the President and Vice President or Executive Committee** in a reasonable time upon receipt of the complaint as to whether further action shall be required.

25.2.5 If required, the President shall arrange via the Secretary or Administrator for a suitable date, time and place for a tribunal hearing to occur for all involved parties consisting of complainant, complainee and Executive Committee made up of a minimum of three people which will be appointed on a case by case basis by the Executive Committee.

25.2.6 The Secretary shall keep a record of the proceedings.

25.2.7 The following process shall be followed:

25.2.7.1 A Committee Member with a previously declared interest may not participate in dealing with the complaint. BNA reserves the right to request assistance from Netball WA, NWNR or any other incorporated body to assist with representation if necessary.

25.2.7.2 After receiving instructions from the Committee, the Secretary or Administrator shall advise all parties involved via the Club President of the Tribunal date, time, place and procedures as soon as practicable within a reasonable time of receiving the complaint.

25.2.7.3 At the Tribunal, all parties involved shall be interviewed separately.

25.2.7.4 The alleged offender may be accompanied by one official of their club. Persons under the age of 18 must also be accompanied by a parent or guardian. No party to the Tribunal may be represented by a barrister or solicitor. Any party may be accompanied by an advocate who is not a barrister or solicitor.

25.2.7.5 If the alleged offender (or representative of the accused team or club) fails to attend a Tribunal as requested without reasonable cause, the alleged offender shall not be permitted to play, coach or umpire (as the case may be) for any team or club at BNA until such time as the Tribunal has taken place. The Tribunal may proceed, and a determination made by the Executive Committee in the absence of the alleged offender, team, or club, provided that the Executive Committee are satisfied that all notification procedures have been carried out correctly.

25.2.7.6 The purpose of the Tribunal shall be to determine whether the alleged offence has been established on the balance of probabilities. If the

Executive Committee is of the view that the offence has been established, a penalty may be imposed.

25.2.8 If the Executive Committee considers that a charge has been established, they may impose any one or more of the following penalties:

- a) Impose a monetary fine
- b) Impose a warning
- c) Suspend, disqualify, reprimand, ban or otherwise deal with the person.
- b) Any other such penalty as the Executive Committee considers appropriate.

25.2.9 Suspension may include being prohibited from coaching or playing for any team within the defendant's club. Suspension may also include being prohibited from entering the netball courts whilst under BNA hire.

25.2.9.1 The Secretary or Administrator must give the member written notice of the suspension or expulsion within 7 days after the meeting at which the decision was made.

25.2.9.2 A member whose membership is suspended or who is expelled from the Association may, within 7 days after receiving notice of the Executive Committee's decision, give written notice to the Secretary requesting:

a) An appeal hearing on the condition that only new information not available at the time of the original meeting is presented. If no new information is available an appeals hearing cannot be requested

25.2.9.3 Records of all meetings must be kept for a period of 12 months.

25.2.10 If the offence is not established it shall be dismissed, however, if the Tribunal is not satisfied that the particular offence has been established, but is satisfied that a lesser charge has been established then the Executive Committee may find such lesser charge established and shall apply the penalty applicable to the lesser charge.

25.2.11 Where it appears to the Executive Committee that the reporting Official has made an error in reporting an offence or has omitted offences that should have been reported, the Executive Committee may amend the offences and proceed to make a finding. Furthermore, the Executive Committee has the right to direct that a person other than the alleged offender be reported on the basis of evidence presented before it during the course of conducting a Tribunal.

25.2.12 Where charges arising from one particular incident are heard together and the Executive Committee establishes that the alleged offender or team has

committed more than one offence, it may impose a single penalty, being not more than the maximum penalty for the most serious of the offences, or it may impose individual penalties for each offence.

25.2.13 Where the Executive Committee imposes more than one period of suspension, it may impose them to be served concurrently or cumulatively or partly concurrently and partly cumulatively.

25.2.14 If the offender is found to have breached the Constitution, By Laws and/or Code of Conduct of the Association then the Secretary will advise the penalty to be imposed. Monetary penalties must be paid prior to the next playing date.

25.2.15 The Secretary shall notify the complainant and offender/s club in writing of the outcome of the Tribunal hearing and any penalties applied within 48 hours of the Tribunal hearing. The Secretary shall list the outcome report in the Committee correspondence.