



## **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.

This Appeals By Law sets out the procedure for dealing with appeals to decisions of Netball ACT in regards to 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 Appeals Sub Committee**

- 1 The Board shall establish a Appeals Sub Committee – By Law 02/06 - to deal with all appeals to decisions by Netball ACT in regards to matters under the Netball ACT Constitution.

### **Composition of Appeals Sub Committee**

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

## **Appeals from decisions of Netball ACT**

6        6.1 A member of Netball Act may appeal a decision of Netball ACT to the Netball ACT Appeals Board.

6.2 Any appeal made in accordance with this By Law must be made to the Chairman, Appeals Sub Committee, Netball ACT within 14 days of the decision by Netball ACT.

6.3 A fee of \$100 must be paid to the Chairman, Appeals Sub Committee, Netball ACT at the time of lodging the notice of appeal. The amount is to be paid by cash, cheque or money order and made payable to Netball ACT. If the appeal is successful the fee will be refunded.

7        The Chair of the Appeals Sub Committee shall, as soon as practicable upon receipt of an appeal by a member convene an Appeals Sub Committee hearing not later than 28 days after receipt of the appeal;

## **Appeal Sub Committee Procedures**

8        At a hearing of the Appeals Sub Committee held in accordance with clause 7, the Appeals 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 appeal is upheld or dismissed.

9        Netball ACT and the Member shall not be entitled to legal representation at the hearing of the Appeals Sub Committee.

10       The Appeals Sub Committee shall hear and determine the appeal 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 appeal is upheld or dismissed.

11       If the Appeals Sub Committee considers that the appeal is upheld then it will recommend to the Board of Netball ACT appropriate action and return the fee. The Board of Netball ACT will consider the recommendation within 14 days of it being forwarded to the President, Netball ACT.

12       If the Appeals Sub Committee considers that the appeal be dismissed, the matter shall be dismissed and the fee forfeited.

13       Each party shall be responsible for their own costs associated with the Appeals Sub Committee hearing. The Appeals Sub Committee has no power to award costs to a party.

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