



# 2018 WA NETBALL LEAGUE

## Judicial Process



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## GLOSSARY

Affiliates – A person or organization officially attached to a Member Organisation body.

Appeals Panel – Independent body created to hear a participant’s appeal against the WA Netball League tribunal’s decision.

Club – Club participating in the WA Netball League.

Coordinator –WA Netball League Club Coordinator.

High Performance Umpire Panel – Member of the High-Performance Umpire Panel, who coaches, observe and assesses WA Netball League umpires.

Match delegate – Netball WA representative at WA Netball League matches.

Member Organisations – State governing body for Netball. Affiliated to Netball Australia.

Misconduct – Unacceptable or improper behaviour.

Ordering Off – A player who has been ordered off from the WA Netball League match they were participating in.

Person or Participant – A human being regarded as an individual.

Player – A person who plays for a club in the WA Netball League.

Tribunal – Independent body created to hear cases stemming from the WA Netball League matches and issue verdicts and penalties.

## JUDICIAL PROCEDURES

### 1.1 POLICY STATEMENT

#### JUDICIAL HEARINGS

These procedures should be read in conjunction with the International Netball Federation Rules of Netball 2018.

This document sets out the procedures for dealing with the following disciplinary matters:

- a) When a player is ordered off the playing court;
- b) When a player is cited for an act or acts of unfair and/or dangerous play;
- c) When an act or acts of Misconduct may have been committed by a Club, Player or Person.

### 1.2 POLICY COVERAGE

#### 1. Attendance at hearings

- a) A player ordered off is automatically suspended and is not permitted to play the game of netball until their case is heard by the WA Netball League Tribunal.
- b) On the first working day following the ordering off, the Netball WA Game Development Coordinator – Competitions will notify the WA Netball League Club Coordinator that the player is requested to attend a hearing before the WA Netball League Tribunal at the prescribed time to consider the player's response to the charge. The hearing shall be conducted in accordance with these rules.
- c) It will be the responsibility of the WA Netball League Club Coordinator to organise and ensure the attendance of the player to the WA Netball League Tribunal hearing.
- d) The hearing of the Ordering Off shall occur at the next scheduled meeting of the WA Netball League Tribunal. The hearing shall be conducted in accordance with these rules.
- e) In fixing a period of suspension following a hearing, WA Netball League Tribunal shall take into account any period of suspension already served from the allegation of foul play.
- f) Any player or official notified of a citing, or any participant cited shall, without further notice, attend the next meeting of the WA Netball League Tribunal.
- g) In the event a player who has been cited or ordered off fails to attend the next meeting of the WA Netball League Tribunal, the player is automatically suspended from all matches pending her appearance. Unless reasonable notice of non-appearance (including reason) is given prior to the appointed meeting of the WA Netball League Tribunal, that WA Netball League Tribunal may impose such an additional suspension as it considers appropriate as penalty for the player's failure to attend as required.
- h) Only in exceptional circumstance should the matter be dealt with in the absence of the player/participant; and when necessary, the WA Netball League Tribunal should accommodate the player/participant by postponing the hearing. The

player/participant shall be entitled to be accompanied by a senior member of the player/participant's club and/or representative. In addition, if the player/participant wishes to bring witnesses, they will generally be allowed to do so.

- i) Players/participants who live outside Perth may attend the tribunal hearing via Skype. It is the responsibility of the player/participant's club to organise such arrangements.
- j) It is compulsory for players who are under the age of 18 to be accompanied and represented by a senior club representative. A parent or guardian may attend but will play no part in the hearing.

## 2. Procedure at hearings

### a) Power to regulate own procedure

The procedure of the WA Netball League Tribunal in all such proceedings shall be as the WA Netball League Tribunal shall determine in each case, but subject to this power to regulate its own procedure it shall generally conform with procedures stated in these rules.

### b) The procedure prescribed should be directed at ensuring that there will be fair hearings, and should include elements that normally should be dealt with in the following sequence:

- a) The procedures to be followed at the hearing should be explained clearly by the Chairman of the WA Netball League Tribunal to all present.
- b) All who are entitled to be present throughout the hearing should attend during the taking of evidence and when submissions are made.
- c) The Chairman of the WA Netball League Tribunal shall read the umpire's report if provided.
- d) Evidence/submissions shall then be heard in the following sequence;
  - i) Evidence from the player/participant, if the player/participant so chooses.
  - ii) Evidence from witnesses (if any).
  - iii) Submissions (if any) by a senior member of the player/participant's club and/or representative.

### c) Those giving evidence shall be subject to questioning from any member of the WA Netball League Tribunal. There shall be no right of the player to cross-examine the Umpire.

### d) In addressing the factual conflicts, the Umpire is deemed to be the sole judge of fact as to the events which occur on the playing court. Where there is a conflict in the evidence before the Netball League Tribunal that is unable to resolve, in its discretion it may adjourn the hearing for the purpose of obtaining further evidence that may assist in resolving the dispute. However, in the event of the Umpire's account of the incident remaining in conflict with the player's account, the Umpire's account must be accepted, unless the WA Netball League Tribunal is comfortably satisfied on the evidence the Umpire's evidence was wrong.

A Player/Participant, if they wish, may tender their evidence to the WA Netball League Tribunal in writing. Similarly, witnesses' evidence may also be tendered in writing.

- e) At the conclusion of the evidence and submissions, the WA Netball League Tribunal shall deliberate in private.
- f) A member of the WA Netball League Tribunal who has a conflict of interest in dealing with the player/participant before the committee shall excuse themselves from attending and another committee member shall take their place.

### 3. Evidence admissible at hearings

#### a) Hearsay evidence

Hearsay evidence, i.e. second-hand accounts of what occurred, and evidence not given at the hearing, shall generally not be admitted and considered by the WA Netball League Tribunal in reaching its decisions.

#### b) Video tape evidence

a) The WA Netball League Tribunal has the discretion to determine if it shall accept evidence by video.

b) The WA Netball League Tribunal shall decide what weight should be attached to the video tape evidence produced.

c) If there is a dispute on the facts, the video may be shown again as many occasions as are considered necessary by the WA Netball League Tribunal, and at any speed, in an endeavour to clear up the factual conflict. The WA Netball League Tribunal, in its discretion, shall determine if and when the video tape shall be replayed.

d) The audio sound shall be muted when the videotape is shown. Preferably, the video should be shown in total silence, but the WA Netball League Tribunal may, in its discretion, decide whether there shall be any comment by those present while it is being shown.

e) The WA Netball League Tribunal may inform the player/participant of the nature of any observations it has made from the video evidence.

#### c) Character evidence

Character evidence shall be admissible only in relation to the penalty to be imposed by the WA Netball League Tribunal.

#### d) Previous incident evidence

In the case of a player having appeared before a WA Netball League Tribunal within a period of three (3) years, the previous incident shall be relevant, but only in relation to the penalty to be imposed by the WA Netball League Tribunal.

### 4. Variation to charge

- a) If, during a hearing, it becomes evident that the player/participant may have committed an offence, that the player/participant not having been charged with any offence or having been charged with another offence, the Chairman may adjourn the proceedings.

- b) The WA Netball League Tribunal is empowered to alter or add to the initial charge or to substitute an entirely new charge based on facts reported in the initial charge.
  - c) The player/participant should then be given the opportunity of answering that charge. An adjournment of the proceedings, if sought, may be granted if necessary.
5. Proceedings not to be invalidated for technical reasons
- No proceedings heard by any Disciplinary Committee or Appeal Committee shall be quashed or held invalid by any committee by reason only of any defect, irregularity, omission or other technicality, provided the WA Netball League Tribunal is satisfied there has not been a miscarriage of justice.
6. Notification of decision
- a) The player/participant must be told, without delay, the decision of the WA Netball League Tribunal that conducted the hearing. The decision initially may be given orally and brief reasons for reaching it should be given.
  - b) The WA Netball League Tribunal shall provide a written report to Netball WA at the request of Netball WA.
  - c) The Netball WA Game Development Coordinator – Competitions shall inform the WA Netball League Club of the WA Netball League Tribunal’s decision in writing on the day following the hearing.
  - d) In all cases where a player/participant is in any way adversely affected by the decision of the WA Netball League Tribunal, the player/participant must be advised that they have a right of appeal to the WA Netball League Appeals Panel within the time prescribed by the Competition’s rules.
  - e) A comprehensive record of the hearing before the WA Netball League Tribunal shall be kept and be made available to the WA Netball League Appeals Panel. Minutes of the meeting will be taken by the Netball WA Game Development Coordinator – Competitions.
7. Schedule of recommended penalties
- a) Each case must be treated on its merits and any penalty imposed must be seen to be fair and equitable and in accordance with the circumstances of the case and in accordance with natural justice.
  - b) The recommended scale of sanctions/suspensions which is attached is that proscribed by Netball WA.
  - c) Except in clear cases of mistaken identity or where an umpire states that they may have made a genuine mistake and the WA Netball League Tribunal makes a finding pursuant to clause 6 of this code, the WA Netball League Tribunal has no power to find “no case proven” and it can therefore decide upon only one or other of the following, namely: -
    - a) No further punishment additional to the appearance before the WA Netball League Tribunal;



- b) That the player be cautioned or severely cautioned as to their future conduct;  
or
- c) That a period of suspension be imposed.
- d) The effect of any sanctions/suspensions may not be suspended by a Smarter than Smoking WA Netball League Tribunal.
- d) All suspensions must be served in the WA Netball League.

## CITING PROCEDURE

### 2.1 POLICY STATEMENT

These procedures apply for those matches where players may be cited to appear before the WA Netball League Tribunal to answer complaints that they have committed acts of illegal and/or foul play not detected by the umpires officiating in the match.

### 2.2 POLICY COVERAGE

1. Citing by Nominated Officials
  - a) Nominated officials participating in a WA Netball League sanctioned match may cite a player for an act or acts of illegal and/or foul play committed during that match provided that such alleged act or acts has or has not been detected by the umpires.
  - b) The person reporting the citing must be a nominated official and witness the incident as it occurred and not submit a citing upon the request of others.
  - c) For the purpose of the Citing Procedure, nominated officials are –
    - a) A Netball WA official or match delegate;
    - b) Any member of the High-Performance Umpire Panel.
  - d) Each nominated official participating in a match may cite more than one alleged incident of illegal and/or foul play in the same match.
  - e) Each nominated official participating in a match may cite more than one player in any match.
  - f) A citing complaint must be completed in writing by a Statutory Declaration delivered by hand or email to the Netball WA Game Development coordinator – Competitions no later than 5:00pm AWST on the first business day after the completion of the match. Any supporting evidence must accompany the complaint.
  - g) Upon receipt of the Statutory Declaration, a report will be obtained from the umpires of the match concerned to ensure that the matter had not already been detected or dealt with during the match. (i.e. a citing is not intended to be an opportunity to re-referee an incident or its interpretation if already detected and acted upon).
  - h) The WA Netball League Competition Referee (or nominee) should first satisfy herself/himself that there is sufficient or reasonable evidence of prima facie case to justify a citing prior to a hearing date to be determined.
  - i) The cited player's club will be provided with a copy of the citing complaint and advised of the time, date and venue of the hearing of the WA Netball League Tribunal to consider the complaint.

2. Citing by Netball WA Board Members
  - a) The Netball WA Board has the power to cite a player for an act or acts of illegal and/or foul play committed during a sanctioned match regardless of whether or not such alleged act or acts has or have not been detected by the match official.
  - b) The citing complaint must be in writing addressed to the cited player's club and shall advise a time, date and venue of the hearing of the WA Netball League Tribunal to consider the complaint.
  - c) Timeframes
    - a) In cases where the match has been recorded on video commissioned by Netball WA, the citing complaint must be made within five (5) business days of the date the match was played.
    - b) In all other cases, the citing complaint must be made within twelve (12) months of the date of the match was played.

## ADMINISTRATIVE MATTERS RELEVANT TO CITINGS UNDER BOTH THE ABOVE PROCEDURES

1. The hearing of the citing complaint shall occur substantially in accordance with the procedure prescribed in the Judicial Procedures.
2. Any penalties imposed shall be substantially in accordance with those set out in the Judicial Procedures.
3. The cited player may continue to play until the date set down for the hearing of the citing complaint by the WA Netball League Tribunal.
4. If the cited player fails to attend the hearing on the date nominated, that player is suspended from playing until such time as the player attends a hearing on a date mutually agreed by the player and the WA Netball League Tribunal.
5. A citing will only be initiated where vision is available, except in extreme circumstances.

## APPEALS PROCEDURE

### 3.1 POLICY STATEMENT

These procedures should be read in conjunction with the Judicial Process.

### 3.2 POLICY COVERAGE

1. Right of Appeal
  - There shall be a right of appeal to the WA Netball League Appeals Panel from any decision of the WA Netball League Tribunal by a person affected by such a decision.

2. Power to Regulate Own Procedure
  - The WA Netball League Appeals Panel shall have power to regulate its own procedure but shall generally conform to the procedures referred to in this part of these procedures.
3. Commencement of Appeal
  - An appeal shall be commenced by the lodging of a notice of appeal in writing with the Netball WA Game Development Coordinator – Competitions.
4. Notice of Appeal
  - An appeal to the WA Netball League Independent Tribunal Appeals Panel shall be invalid unless it is lodged in writing with the Netball WA Game Development Coordinator – Competitions before 4:00pm AWST on the second day after the decision of the judicial Committee appealed against has been given.
5. Contents of Notice
  - The notice of appeal shall be in writing from the players' registered WA Netball League club lodging the appeal and shall specify:
    - a) The name of the person lodging the appeal;
    - b) The decision appealed against;
    - c) The date of the decision appealed against; and
    - d) The specific grounds of appeal.
6. Deposit
  - Each notice of appeal shall be accompanied by a deposit of an amount the equivalent of \$500.00 which shall be forfeited to Netball WA if the appeal is held by the WA Netball League Appeals Panel to be frivolous, vexatious or groundless.
7. Non-Payment of deposit
  - In the event of the required deposit not being paid, the appeal shall be deemed to be abandoned provided however that the WA Netball League Appeals Panel shall have power to extend the time for payment of the deposit.
8. Record of First Proceedings
  - On the lodgement of the appeal, the Netball WA Game Development Coordinator – Competitions shall make available to the WA Netball League Appeals Panel the record of the proceedings before the WA Netball League Appeals Panel.
9. Hearing Date
  - The WA Netball League Appeals Panel shall set a time, date and place for the hearing of the appeal which shall be notified by the Netball WA Game Development Coordinator – Competitions to the party who has lodged the appeal. The decision

of the WA Netball League Tribunal shall remain in effect pending the hearing of the appeal.

10. Power to Adjourn

- The WA Netball League Appeals Panel shall have power to postpone or adjourn the hearing of an appeal.

11. Representation

- The appellant may be represented before the WA Netball League Appeals Panel by a representative of his/her club. However, no party to a Hearing may be represented by a barrister or solicitor or be legally qualified.

12. Further Evidence

- If in its discretion the WA Netball League Appeals Panel admits further evidence to be adduced at a hearing, there shall be no cross-examination of witnesses except to the extent allowed by the Chairman.

13. Delivery of Decision

The Decision of the WA Netball League Appeals Panel shall be advised as soon as practicable after the conclusion of the hearing. Where it considers it appropriate,

- the WA Netball League Appeals Panel may deliver a short oral decision at the conclusion of the hearing, or it may reserve its decision.

## BREACH OF CODES OF CONDUCT PROCEDURES

### 4.1 POLICY STATEMENT

Netball Australia, Member Organisations and Affiliates seek to provide a safe, fair and inclusive environment for everyone involved in netball.

To achieve this, Netball Australia, Member Organisations and Affiliates require certain standards of behaviour of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

Netball's codes of behaviour are underpinned by the following core values.

- To act within the rules and spirit of netball.
- To display respect and courtesy towards everyone involved in netball and prevent discrimination and harassment.
- To prioritise the safety and well-being of children and young people involved in netball.
- To encourage and support opportunities for participation in all aspects of netball

## 4.2 POLICY COVERAGE

An alleged breach of the code of Conduct may be reported only by a nominated official. Nominated Officials comprise of the following:

- a) A Netball WA official or match delegate;
- b) Any member of the High-Performance Umpire Panel.

An alleged breach of the Code of Conduct must be completed in writing and delivered by hand, email, fax or post to the Netball WA Game Development Coordinator – Competitions. Any supporting evidence must accompany the complaint.

Where an alleged breach of the Codes of Conduct is reported to the Netball WA Game Development Coordinator – Competitions, the matter may be referred to the WA Netball League Tribunal. All provisions relating to inquiries by the WA Netball League Tribunal in the Constitution shall apply to a reference to the WA Netball League Tribunal pursuant to the Code of Conduct.

The WA Netball League Tribunal may after inquiry, in accordance with the constitution, if they consider it appropriate, suspend, expel or otherwise deal with a participant in any way they see fit, including exclusion from participating in any competition conducted by Netball WA.

## RECOMMENDED MAXIMUM SUSPENSIONS

### 5.1 POLICY STATEMENT

These are the recommended maximum penalties for first offences.

### 5.2 POLICY COVERAGE

#### **Dangerous Play**

- |  |          |
|--|----------|
| a) Tripping, striking, elbowing or kicking   | 8 weeks  |
| b) Fighting  | 8 weeks  |
| c) Spitting  | 4 weeks  |
| d) Deliberately endangering the health & safety of any player, spectator or official (incidents involving blood/body fluids) | 10 weeks |

#### **Unfair Play**

- |  |         |
|--|---------|
| e) Threatening a person                      | 4 weeks |
| f) Attempting to trip, strike, elbow or kick | 4 weeks |

### Misconduct

- |  |          |
|--|----------|
| g) Dissent of an Umpire  |          |
| 1) Disputing the decision(s) of an umpire  | 2 weeks  |
| 2) Abuse of an umpire  | 4 weeks  |
| h) Actions contrary to good sportsmanship  |          |
| 1) Unsportsmanlike behaviour   | 4 weeks  |
| 2) Breach of NA Member Protection Policy Codes of Behaviour                              | 10 weeks |
| 3) Obscene gestures  | 2 weeks  |
| 4) Offensive language (may include abusive, obscene or insulting language)               | 2 weeks  |
| i) Failure to co-operate in, or hindering an investigation or hearing                    | 2 weeks  |
| j) Failure by any person required to attend a hearing without proper cause when notified | 2 weeks  |
| k) Coaching, umpiring, playing or engaging in score bench duties while under suspension  | 4 weeks  |

### NOTES.

1. The underlying objective of the disciplinary system is to provide a safe playing environment for the players. Any act of foul play which can compromise player safety should be dealt with severely. For example, a 'king hit' punch on a player who has no chance to see the punch coming should be dealt with by a suspension at the top end of the scale.

2. The tribunal may take into account previous incidents/penalties when setting any penalty.

3. For any greater number, a lengthy suspension should be imposed to reflect the player's apparent disregard for the rules of the game and safety.

## GAME MANAGEMENT – ORDERING OFF

### 6.1 POLICY STATEMENT

Netball WA believes this is an appropriate measure to assist in the elimination/reduction of foul play and to send a clear message to the community that Netball is serious about countering this sort of behaviour.

## 6.2 POLICY COVERAGE

As stated in the International Netball Federation Rules of Netball 2018, the umpire may order a player off the court for serious misconduct or continued foul play. While this will normally follow a suspension or official warning this is not a prerequisite if the umpire considers such action is justified,

- (a) The umpire advises the player of the ordering off and signals to the official bench that the player has been ordered off.
- (b) The player reports to the appropriate team officials on the team bench and takes no further part in the match.
- (c) No substitute is permitted and the player's position is left vacant for the remainder of the match. In the event that this player is the centre, one player must move to play as Centre and the position of this player is left vacant for the remainder of the match.

**Appendix 1 Complaint Form**

Venue of Incident:	..
Exact location of incident:	-
Date of incident:	-
Time of incident:	-
Nature of Complaint:	..
Complainant Name:	..
Role / status in netball:	..
Respondent Name:	-
Role / status in netball:	..
Please provide a detailed description of alleged incident:	..
Outline any action taken at the time of the incident:	..

A Complaint Form must be submitted to the Netball WA Hearing Officer within two (2) working days of the Offence.

Once a Complaint Form has been lodged, the Netball WA Game Development Coordinator - Competitions will determine the appropriate process to follow using the relevant policy (including but not limited to Netball WA’s Competition Rules or Netball Australia’s Member Protection Policy). Parties involved will be notified in due course if any further action or information is required or of any decisions or penalties to be imposed.

Signed: ..... Date: .....



**Appendix 2 - Respondent Form**

Venue of Incident:	.
Exact location of incident:	.
Date of incident:	.
Time of incident:	.
Nature of Complaint:	..
Respondent Name:	..
Role / status in netball:	..
Witness No. 1 Name(s):	.
Role(s) / status in netball:	.
Witness No. 2 Name(s):	.. .
Role(s) / status in netball:	.. .
Please provide a detailed description of alleged incident:	.. .
Outline any action taken at the time of the incident:	

Please return this Respondent Form within the required time frame as directed to the Netball WA Hearing Officer. Parties involved will be notified in due course if any further action or information is required or of any decisions or penalties to be imposed.

Signed: ..... Date: .....

**Appendix 3 - Appeal Form**

Appellant Name:	..
Appellant Email:	..
Complainant Name:	...
Hearing Officer:	...
Full Detail of original charge:	...
Penalty Imposed(please attach reason for decision of Hearing Officer):	.
Date Penalty was Imposed:	.
Significant new or additional evidence has become available	
Reason(s) for the Appeal:	<input type="checkbox"/> Significant new or additional evidence has become available .
	<input type="checkbox"/> Penalty imposed by the Hearing Officer or Hearing Panel is not in accordance with the Regulations ...
	<input type="checkbox"/> Hearing Officer or Hearing Panel failed to follow procedures or requirements of the Regulations to the significant detriment of the Respondent ..
	<input type="checkbox"/> The principles of Natural Justice have not been met .

A Notice of Appeal must be submitted to Netball WA's Appeal Officer within two (2) working days of the notification of the decision of the Hearing Officer or Hearing Panel. Parties involved will be notified in due course if any further action or information is required or of any decisions or penalties to be imposed.

Signed: ..... Date: .....



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