
**CHRISTCHURCH NETBALL CENTRE
(INCORPORATED)**

RULES FOR DISCIPLINARY HEARINGS

CLARK BOYCE
LAWYERS
CHRISTCHURCH : NEW ZEALAND

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CHRISTCHURCH NETBALL CENTRE (INCORPORATED)
(“CNC”)
RULES FOR DISCIPLINARY HEARINGS

A Explanatory Notes and Foreword

1. Netball has become one of New Zealand’s premier sports and it is therefore essential for the future wellbeing of the game that disciplinary matters at all levels are dealt with efficiently, promptly and with transparent justice.
2. The publication of these rules is intended to ensure that the above objectives are met.
3. Paragraph 13(a)(iii) of the CNC Rules provides the power to the executive to implement disciplinary procedures and impose sanctions and penalties in regard thereto. These Rules have been designed and codified by the Executive and are being circulated to all interested parties. In furtherance of the powers and objectives of that Rule it is the intention of the Executive to have these Rules distributed for comment and submission in writing until 30 September 2004 after which the Rules will be formally adopted by the Executive. Pending such adoption with or without qualification these Rules as circulated to all interested parties will be of full force and effect.
4.
 - (a) Pursuant to the powers vested in them by Rule 13(a)(iii) the Executive hereby resolves to appoint a Judicial Committee of CNC (“the Judicial Committee”) which will comprise not less than three members, one of whom shall be either the President or Vice-President of CNC, and the convenor of Game Officials Sub-Committee or their appointed delegate, and a member of one or more clubs affiliated to the Centre and a life member or other independent person (neither of whom shall be a member of the Executive). The Judicial Committee shall consist of not more than five members in total. The initial Judicial Committee once appointed shall continue in office but be subject to annual review by the Executive. The Judicial Committee for each year will be reappointed by the Executive.
 - (b) A member of the Judicial Committee shall act as the Minute Taker and keep records of all investigations, the hearing and decisions made. The President or Vice-President of CNC or convenor of the Game Officials Sub-committee or appointed delegate shall act as the Chairperson of the Judicial Committee.
 - (c) The first members of the Judicial Committee are listed in Appendix 1.
5. The Judicial Committee shall at all times act independently of the Executive and of any member of CNC.
6. In the event of a matter requiring adjudication by the Judicial Committee and any member of the Committee having a conflict of interest by virtue of an association with the member/s or club/s involved in the process, that member of the Judicial Committee shall excuse themselves from any determination of that issue. The remaining members shall be entitled to co-opt a member to the Judicial Committee for the purpose of hearing that particular matter.

B Jurisdiction of the Judicial Committee

7.

7.1 The Judicial Committee shall have jurisdiction to hear and determine disciplinary proceedings arising in any match conducted under the auspices of CNC in the following circumstances:

- (a) Where a player is ordered off the playing court (but not pursuant to a suspension for a specified period ordered by an Umpire).
- (b) Where a complaint is lodged pursuant to these Rules by a third party in respect of the conduct of a player in any of the matches referred to in paragraph (a) above.
- (c) Where a report is received alleging serious misconduct in respect of any of the matches referred to in paragraph (a) above.

7.2 The Judicial Committee shall also have jurisdiction to hear and determine all proceedings arising under the CNC Constitution and Rules and/or in respect of matters referred to in the current CNC Policies circulated from time to time or where there is misconduct other than as contemplated in paragraph 7.1 above.

7.3 A written report from the Judicial Committee outlining its decision on any matter shall be forwarded to the CNC Administration Officer within 5 days of the date the matter was heard for tabling at the next CNC Executive Committee meeting.

C Judicial Committee Procedures for the Hearing of Complaints and Determination of Proceedings

8. At each hearing the Judicial Committee shall have power to regulate its procedure as it thinks fit. The Committee may require the party complained against (“the Respondent”) to provide full particulars of the case to be presented on the Respondent’s behalf prior to the hearing.

9. As a general rule the Committee will not permit the introduction of opinion evidence other than expert opinion evidence. Expert opinion evidence will only be permitted when the evidence falls outside the everyday knowledge of members of the Committee such as for instance, medical opinion on injuries sustained and so forth. In general the Committee will apply the “best evidence rule” that is first hand accounts from persons present at the hearing as to their observations of the matter in question. Hearsay evidence will only be accepted in exceptional circumstances and hearsay evidence will be accorded less weight than first hand evidence. A ‘support’ person at the hearing may not be permitted to give evidence.

10. Unless it otherwise directs the procedure of the Judicial Committee will be as follows:

- (a) The Chairperson or a member of the Committee will explain the procedure to be followed.
- (b) The complaint and supporting evidence will be read.

- (c) Evidence from the Respondent (if the Respondent elects to give evidence) and from any witnesses on behalf of the Respondent will be read; and
 - (d) Submissions will be heard.
- 11. Where evidence is given before the Judicial Committee there shall be no direct questioning of any witness by anyone other than Judicial Committee members. Questions may however be put to a witness through the Chairperson of the Committee, at the Chairperson's discretion.
- 12. In the event of the Judicial Committee accepting video tape evidence, where possible the video tape should be viewed without any sound or commentary associated with it being heard and before the presentation of the matters in paragraph 10(b) above.
- 13. Notwithstanding paragraph 9 above the Judicial Committee shall otherwise be entitled to receive such evidence as it thinks fit notwithstanding that the evidence may not be legally admissible in a Court of Law.
- 14. The Judicial Committee may require the attendance at the hearing of any witness. In any case where a witness is required by the Committee to attend the hearing and refuses or fails to so attend the Committee may refuse to allow the evidence of that witness to be given in any other form.
- 15. All persons, clubs or parties entitled to be heard by the Judicial Committee may be represented by an official of their club or association as the case may be and/or by a Barrister or Solicitor of the High Court of New Zealand or other duly authorised representative.
- 16. Each party and any other person involved in any proceedings under these Rules shall bear their own costs of attendance and representation (if any) at any hearing. The Judiciary Committee has no right to award costs to any party.
- 17. The Judicial Committee shall have power to postpone or adjourn a hearing at which disciplinary proceedings are to be heard. However, the Committee shall endeavour to ensure that disciplinary proceedings are not heard in the absence of the player or club the subject of the proceedings. Nothing in this rule or otherwise shall prevent a Judicial Committee hearing and determining disciplinary proceedings in the absence of the person or club concerned.
- 18. Prior to any hearing the Respondent shall be supplied, at the Respondent's Club address or Club's e-mail address and/or the Respondent's last known address with a copy of the complaint made against the Respondent and a copy of all evidence to be submitted in support of the complaint. In addition, the Respondent shall be advised (in the manner aforesaid):
 - (a) Of the date, place and time of the Judicial Committee hearing at which the disciplinary proceedings will be heard.
 - (b) To attend in person at the hearing.
 - (c) That if the Respondent is unwilling or unable to appear at the hearing the Respondent shall advise the Chairperson of the Judicial Committee forthwith.

19. In any matter where the Judicial Committee considers it necessary or desirable, or if the Respondent should request same, the Judicial Committee shall arrange to have an interpreter present at any hearing.
20. The Judicial Committee's deliberations on any matter before it for adjudication shall be in private.
21. The Judicial Committee may impose on any Respondent whatever penalty (if any) it deems appropriate within the schedule of maximum penalties hereinafter provided.
22. The decision of the Judicial Committee shall be advised to all interested parties in writing as soon as practical after conclusion of the hearing. All parties heard by the Judicial Committee shall be entitled to a copy of the written decision of the Committee which will be sent to them by the Chairperson of the Committee within 3 days after it is available.
23. In any case where a Respondent is adversely affected by a decision of the Judicial Committee the Respondent shall be advised by the Judicial Committee of the Respondent's right of appeal and such right of appeal shall be included in the Judicial Committee's written decision.
24. The hearing of proceedings by the Judicial Committee shall be recorded. The record of the proceedings and all papers associated with the proceedings shall be held by the Executive Committee of CNC. Copies of the record shall be made available, at reasonable cost, to any person affected by the decision of the Judicial Committee.
25. No decision of the Judicial Committee shall be quashed or held invalid by reason only of any defect, irregularity, omission or other technicality provided there has been no miscarriage of justice.
26. For the purposes of these Rules words importing the feminine include the masculine and/or the neuter or vice versa as the case may be.

D Commencement of Complaint Proceedings in Various Circumstances

Complaints Procedure where a Player is Ordered Off during a Match

27. Where a player is ordered off the playing court in a match conducted within the jurisdiction of the CNC the Umpire shall within 48 hours of the completion of the match send to the Judicial Committee care of the Executive Committee a written report incorporating:
 - (a) The date of match, the venue and the teams participating.
 - (b) The name of the player ordered off and her team.
 - (c) The circumstances in which the player was ordered off.
 - (d) The reason for the player being ordered off.
 - (e) Any other information the Umpire considers material.

28. The player ordered off shall be supplied with a copy of the Umpire's report and advised:
- (a) Of the date, place and time of the Judicial Committee hearing at which the disciplinary proceedings against the player will be heard. The Judicial Committee will meet during the week following any complaint and generally on a Wednesday after 5 pm.
 - (b) That the player will be required to attend in person at the hearing.
 - (c) That if the player is unable to appear at the hearing notified, the player should advise the Executive Committee forthwith. That notification should be accompanied with material sufficient to support the reasons for non-attendance including any evidence of incapacity or illness preventing attendance. Players will only be excused in exceptional circumstances but may with the leave of the Judicial Committee present their evidence in writing in a situation where they are otherwise unable to attend. Until that player appears before the next convened hearing of the Judicial Committee that player shall not be entitled in accordance with Rule 48 hereof to play for her or his Club.
29. It shall be sufficient compliance with this Rule if a copy of the Umpire's report is sent to the ordered off player's club address or club's e-mail address and/or the player's last address known, or handed to the player herself.
30. Attendance and Report of the Umpire:
- 30.1 At the discretion of the Chairperson of the Judicial Committee the Umpire of the match in which the player is ordered off may be excused from attending the meeting of the Judicial Committee. Without limiting the discretion conferred by this Rule an Umpire's attendance at a hearing shall generally be excused only when sufficient alternative arrangements can be made to enable the Umpire to be consulted by all members of the Judicial Committee concerning issues which may arise at the hearing.
- 30.2 The Judicial Committee shall ensure that prior to the hearing the player ordered off has been supplied with and has had sufficient opportunity to consider the Umpire's report.
- 30.3 Nothing in this Rule shall prevent the Judicial Committee hearing and determining disciplinary proceedings in the absence of the Umpire.

Complaints Procedure by a Third Party Against a Player for Misconduct during a Match

31. The Judicial Committee shall have jurisdiction to hear and determine a complaint by a third party of foul play against a player in respect of any act of foul play which has not been detected by match officials. For the purposes of this Rule match officials are the two Umpires umpiring the match.
32. A complaint under the proceeding Rule may be made by any member of the Executive Committee, any member of the opposing team, any official of any opposing team or any other person with a legitimate interest in the complaint (called "a third party").

32. The complaint by a third party shall be in writing and shall be sent so that it is received by the Executive Committee within 48 hours of the completion of the match in which the incident occurred. For the purpose of this Rule a complaint is deemed to have been sent when:
- (a) It is posted; or
 - (b) It is transmitted by facsimile, e-mail or other medium; or
 - (c) It is handed to a member of the Executive Committee of CNC; or
 - (d) It is delivered personally to the office at the CNC building Hagley Avenue, Christchurch.
34. A complaint under Rule 31 shall contain the following information:
- (a) The date and place of the alleged foul play.
 - (b) The name of the player against whom the complaint is made and the team the player was playing for at the time of the alleged foul play.
 - (c) The name of the opposing team.
 - (d) Full details of the alleged foul play.
35. On receipt of a complaint the Judicial Committee shall forthwith obtain reports from the Umpires and such other persons as they consider may be able to provide evidence bearing on the subject of the complaint.
36. Unless the complaint is frivolous, vexatious or otherwise in the opinion of the Judicial Committee deemed to be insignificant the Judicial Committee shall notify the player and the player's club of the complaint and shall send to the player and the player's club copies of the complaint and any reports obtained as set out above, together with notification of the date, time and place of the hearing of the Judicial Committee at which the complaint will be heard.

Complaints Procedure for Matters Arising Under Rule 7.2 above

37. The Judicial Committee shall have power under this Rule to deal with acts of misconduct by persons or clubs:
- (a) Which occur on or off the playing enclosure before, during and after the playing of matches but to which Rules 7.1 (a), (b) and (c) do not apply.
 - (b) Arising from breaches or misconduct under the CNC Constitution and Rules and/or in respect of matters referred to in the current CNC policies circulated from time to time.
38. For the purposes of Rule 37:

“person” shall mean a member of any club or affiliated organisation of CNC for the time being for the purpose of playing, coaching, administering or umpiring netball in Christchurch and who is deemed to have subscribed to and be bound by the CNC

Constitution and Rules of CNC, Netball New Zealand and Canterbury Netball and the current CNC policies circulated from time to time.

“club” shall mean any club or organisation in Christchurch associated for the time being for the purpose of playing, coaching, administering or umpiring netball in Christchurch and which is deemed to have subscribed to and be bound by the CNC, Canterbury Netball or Netball New Zealand Constitutions and Rules and the current CNC policies circulated from time to time.

39. Where the Judicial Committee receives a complaint from the Executive or a third party as defined in Rule 31 of any act of misconduct within Rule 36 the Committee shall notify the person or club alleged to have been guilty of misconduct and that person’s club (if an individual) of the nature of the misconduct alleged with reference to the date and place of its occurrence. At the same time the Judicial Committee shall advise the person concerned and that person’s club, of the date, time and place of the hearing of the Judicial Committee at which the allegation of misconduct will be heard.
40. The Judicial Committee hearing and determining disciplinary proceedings under Rule 37 shall have the same powers and shall follow the same procedures (with appropriate modifications if necessary) prescribed by Rules 8 to 30 inclusive above.

E General Provisions Relating to Disciplinary Proceedings

41. Except in relation to orderings off as contemplated in Rule 7(a) no penalty shall be imposed on any person or body in disciplinary proceedings held pursuant to these Rules unless the allegation against that person or body is proved on the balance of probabilities.
42. In any case where the Judicial Committee is required to consider an ordering off, or where the Umpire has made a decision on the field of play in relation to an incident, it shall review the Umpire’s decision and the circumstances surrounding it.
43. Where disciplinary proceedings however arising are taken against more than one player as a result of incidents occurring such proceedings may be heard by the Judicial Committee at the same time provided there is no prejudice to any person against whom the disciplinary proceedings are taken.
44. Whenever any penalty of suspension is imposed in any disciplinary proceedings held pursuant to these Rules the commencement of such suspension may be deferred, at the discretion of the Judicial Committee, or if the subject of an appeal, at the discretion of the Appeal Council which reviews the suspension on appeal.
45. In any case in which it is claimed a player was guilty of serious misconduct by reason of provocative conduct on the part of another player or person such provocative conduct shall be no defence to foul play but may be taken into account in determining an appropriate penalty.
46. Character evidence may be received in disciplinary proceedings but shall be relevant only to the question of penalty and not to the question of guilt.
47. Where a player has appeared in disciplinary proceedings within 3 years previously details thereof may be received in evidence but again shall be relevant only to the question of penalty.

48. In any case where the Judicial Committee forms the view that a player appearing before it for foul play is, by reason of previous appearances before it, a persistent offender against the laws of the game of netball relating to foul play, the Judicial Committee in imposing any penalty on a player may, in fixing that penalty, take account of the player's persistent offending.
49. A player who has been ordered off is not permitted to play any game of netball until her case has been heard and finally determined by the Judicial Committee.
50. The lodging of an appeal shall not have the effect of deferring any suspension imposed. Once the period of any suspension has expired the player may however resume playing notwithstanding that any appeal has not yet been heard.
51. Notwithstanding anything elsewhere contained CNC shall have the power to:
 - (a) Suspend any club whose player fails to comply with any penalty imposed on her provided the player's club has been notified of the decision in writing; and/or
 - (b) Suspend any player who fails to comply with any penalty imposed on her pursuant to the provisions contained herein.

F Appeals to the Appeal Council

52. (a) Pursuant to the powers vested in them by Rule 13(a)(iii) the Executive hereby appoints an Appeal Council ("the Appeal Council") which will always comprise not less than 3 members, none of whom shall at the same time be members of the Judicial Committee. The Chairperson of the Appeal Committee shall preferably be an independent person with an interest in netball but not directly associated with the Executive or Management of CNC or any club or affiliate. One member shall be either the President, Vice-President of CNC or convenor of Game Officials Sub-committee or their appointed delegate. The other members shall be member of one or more clubs affiliated to CNC or a member of Game Officials Sub-committee. The Appeal Council shall consist of not more than 5 members in total. The initial Appeal Council once appointed shall continue in office but be subject to annual review by the Executive. The Appeal Council for each year will be reappointed by the Executive.
 - (b) One member of the Appeal Council shall act as the Minute Taker and keep records of all investigations, the hearing and decisions made.
 - (c) The first members of the Appeal Council are listed in Appendix 2.
53. The Appeal Council shall at all times act independently of the Executive, the Judicial Committee and of any member of CNC.
54. In the event of a matter requiring adjudication by the Appeal Council and any member of the Council having a conflict of interest by virtue of an association with any party involved in the appeal process, that member of the Appeal Council shall excuse themselves from that particular appeal. The remaining members of the Appeal Council shall be entitled to co-opt a member to the Appeal Council for the purpose of

- hearing that particular appeal but are not bound to do so and may proceed to hear any appeal without co-opting another member.
55. The Executive of CNC or any person or party heard by the Judicial Committee may appeal to the Appeal Council.
 56. An appeal shall be lodged within 7 days after the date on which the written decision of the Judicial Committee is sent to the parties.
 57. The appeal shall be considered lodged when written notice of appeal is received by the Executive of CNC together with a non-refundable deposit of \$100.00 or such other amount as may be stipulated by the executive from time to time in the current CNC policies.
 58. The Notice of Appeal shall be signed by or on behalf of the person or party lodging the appeal and shall specify:
 - (i) the decision appealed against; and
 - (ii) the date of the decision appealed against; and
 - (iii) the specific grounds for the appeal.
 59. On lodgement of the appeal the Appeal Council shall:
 - (a) Immediately arrange for service of the Notice of Appeal the Judicial Committee decision and the Record of Proceedings before the Judicial Committee on all interested parties to the proceedings before the Judicial Committee; and
 - (b) Inform all those parties of the time, date and place for the hearing of the appeal.
 60. The Executive of CNC and all parties to the proceedings heard by the Judicial Committee shall be entitled to be heard by the Appeal Council. Parties may be represented by their club or association, as the case may be, and/or by a Barrister or Solicitor of the High Court of New Zealand or other duly authorised representative.
 61. Each party and any other persons involved in any proceedings under these Rules shall bear their own costs of attendance and representation (if any) at any hearing. The Appeal Council has no right to award costs to any party.
 62. When all parties have been notified of the time, date and place of the hearing the Judicial Committee shall forward to the Appeal Council:
 - (i) The Notice of Appeal; and
 - (ii) A full record of the proceedings before the Judicial Committee including the decision of the Judicial Committee.
 62. Subject to Rule 68 an appeal shall be by way of re-hearing.
 64. Where any question of fact arises on the appeal before the Appeal Council it shall be determined by reference to the record of proceedings before the Judicial Committee provided that the Appeal Council, in its sole discretion, may re-hear the whole or any part of that evidence given before the Judicial Committee, if it considers appropriate to do so.

65. The Appeal Council shall have full discretionary power to hear and receive any further evidence on an appeal as it thinks fit.
66. Where any party entitled to be heard on an appeal wishes to put before the Appeal Council evidence not heard by the Judicial Committee, that party shall:
 - (i) Notify the Executive Committee of the fact not less than 7 days prior to the hearing of the appeal.
 - (ii) Send to the Executive Committee within the time specified in paragraph (i) above a written outline of the nature of the evidence proposed to be given which shall immediately be sent by the Executive Committee to the members of the Appeal Council and to all other parties to the appeal.
67. The Appeal Council shall be entitled to receive such further evidence as it thinks fit notwithstanding the evidence may not be legally admissible in a Court of Law. The Appeal Committee decision whether or not to hear further evidence shall be final.
68. Where evidence is given before the Appeal Council there shall be no cross-examination or questioning of witnesses except to the extent that the Appeal Council, in its sole discretion, permits.
69. The decision of the Appeal Council shall be advised to the parties as soon as practical after the conclusion of the hearing.
70. All parties heard by the Appeal Council shall be entitled to a copy of the written decision of the Appeal Council which shall be sent by the Executive as soon as practical after it is available.
71. Any other person shall be entitled to a copy of the written decision of the Appeal Council upon payment of such fee (if any) as the Executive fixed from time to time.
72. Except as provided by these Rules the Appeal Council shall have power to regulate its own procedure. The Appeal Council shall have power to overturn, vary, increase or suspend any penalty imposed in any match or any proceedings before the Judicial Committee.
73. The hearing of an appeal by the Appeal Council shall be fully recorded. The record of the proceedings and all papers produced at the hearing shall be held by the Executive.
74. The decision of the Appeal Council shall be final.

G Penalties for Offences Schedule

The Following are the Recommended Penalties and Maximum Penalties for Misconduct by Players

Offence	Recommended Penalty	Maximum Penalty
Intentional tripping of an opponent	1 game	3 games
Intentional stamping, trampling, striking, punching or kicking an opponent	2 games	4 games
Other forms of manhandling including fighting	2 games	5 games
Offences involving Umpires:		
(a) threatening conduct	1 game	3 games
(b) verbal abuse	1 game	3 games
(c) assault of any kind	3 games	16 games
(d) physical assault	3 games	16 games
Offences against opposing team members, club and administrative officials:		
(e) threatening conduct	1 games	3 games
(f) verbal abuse	1 game	3 games
(g) assault of any kind	3 games	16 games
(h) physical assault	3 games	16 games
Bringing the game of netball into disrepute and/or engaging in conduct unbecoming to the game of netball	1 – 3 games and/or \$100 - \$500	16 games and/or \$3000
Wilful breach of Policies, Rules and/or Constitution	\$50	\$3000
Playing an unregistered player	Deduction of 2 - 4 points for each game	Deduction of 4 points for each game
Playing a player in a lower grade	Deduction of 2- 4 points for each game	Deduction of 4 points for each game
Franchised players to play a minimum of 3 games not including playoffs or grade finals during the season	Lose 4 points for every game not played per franchise player	

Unnotified default (this does not apply to closed grades) (Refer to Constitution)	\$50.00	Increase to \$100 after the first offence
Teams entered in Under 17 and above to supply Umpires	\$50 per Umpire not supplied	\$100.00 per Umpire after subsequent umpires not supplied
Standby team Umpires to wait until half time of the round allocated.	\$50.00 fine per umpire not supplied	\$100.00 per umpire after subsequent umpires not supplied
Team or club subscriptions outstanding	10% per month compounding monthly	Team/club declared unfinancial – unable to enter teams following year. AGM voting rights forfeited.

H. Appendix 1

Lyn Miles (CNC President) OR
Chris Rodda (CNC Vice President)
Mandy Nottingham (GOS Convenor)
Jan Hefford (Life member or other independent person)
An invited affiliated Club representative not associated with the matter

I. Appendix 2

Lyn Lockhart independent (Chairperson)
Lyn Miles (CNC President) OR
Chris Rodda (CNC Vice President)
Mandy Nottingham (GOS Convenor)
An invited affiliated Club representative not associated with the matter