



## COMPETITION REGULATIONS

### PART I – DEFINITIONS

<b>Affiliated Clubs</b>	means a member of an Affiliated Club, which may include teams, clubs or organisations (howsoever described).
<b>Appeal Hearing</b>	means the process by which an appeal is heard and determined by an Appeal Panel.
<b>Appeal Officer</b>	means an impartial and independent person appointed by an Organising Body to decide whether there are sufficient grounds for appeal.
<b>Appeal Panel</b>	means the body appointed by an Organising Body which will conduct an Appeal Hearing and make a determination.
<b>Appellant</b>	means the person seeking to appeal a decision made by a Hearing Officer or Hearing Panel.
<b>Complaint</b>	is an allegation made by a person that another person has committed an Offence.
<b>Complainant</b>	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.
<b>Hearing</b>	means the process by which a Complaint is heard and determined by a Hearing Officer or Hearing Panel.
<b>Hearing Officer</b>	means the Organising Body's Vice President who has been appointed to hear and determine the Complaint.
<b>Hearing Panel</b>	means the body appointed by an Organising Body which may conduct a Hearing and make a determination.
<b>Natural Justice</b>	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.
<b>Offence</b>	means an action or actions that are not permitted within the Regulations as per Part III – Offences.
<b>Organising Body</b>	means the organiser of a netball Tournament, Competition, Activity or Event including but, not limited to Darwin Netball Association and Affiliated Clubs.
<b>Regulations</b>	means the Competition Regulations.
<b>Respondent</b>	means the person, team or club who the Complaint is made about.
<b>Tournament, Competition, Activity and Event</b>	means any netball tournament, netball competition, netball related activity or netball related event conducted by an Organising Body



## PART II – INTRODUCTION

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

- 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 managed by the Darwin Netball Association (DNA).
- 1.2 The Regulations set out the procedures to be followed in dealing with Offences in an effective, appropriate, professional and timely manner.

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

- 2.1 The Regulations are issued by the DNA Management Team under Part 4 of the DNA Constitution.
- 2.2 The Regulations are effective from July 2023.
- 2.3 The Regulations may be amended from time to time by the DNA Management Team in accordance Part 4 of the DNA Constitution.

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

- 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) 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 the DNA; or
  - (b) When conducting any Tournaments, Competitions, Activities or Events.

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

- 4.1 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

- 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.
  - (e) Appoint an Appeal Officer to be responsible for dealing with appeals from determinations made under the Regulations.
  - (f) Collect the contact details of the president/secretary/captain of each club/team entered into any Tournament, Competition, Activity or Event organised by the



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- 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.

## PART III – OFFENCES

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

- 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
  - (f) Attempting to intentionally trip, strike, elbow or kick
  - (g) Intentionally 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 score bench duties while under suspension

## PART IV – COMPLAINTS PROCEDURE

### 7 HOW IS A COMPLAINT MADE?

- 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 of the CDU Marrara Netball NT Facility excluding the carpark and surrounds;
  - (c) Online, including but not limited to, email and social media outlets;
- 7.4 A Complainant who makes a Complaint under this Regulation shall enter the details of the alleged Offence(s) on the Complaint Form, noting all the particulars in connection with the Complaint providing a clear account.
- 7.5 A Complaint is to be made within 72 hours of the incident.
- 7.6 The complaint will be lodged through the Club President to the Organising Body via hardcopy or emailed to [darwin.netball@gmail.com](mailto:darwin.netball@gmail.com)



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## 8. HOW IS A COMPLAINT DEALT WITH?

- 8.1 All Complaints must remain private and confidential.
- 8.2 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.
- 8.3 If the Hearing Officer determines that an investigation is required, the Hearing Officer will call a Hearing Panel of two or more DNA Team members. Depending on the nature of the complaint will depend on whether the Complainant will be dealt directly with the Complainant/Respondent or through the Complainant's/Respondent's club.
- 8.4 The Hearing Panel will ensure that the complaint will be investigated with professionalism, objectiveness and without bias.
- 8.5 The Hearing Officer will provide the Club President with a copy of the written complaint and ask them to respond by detailing their player's version of events. If there is a dispute over facts, statements from witnesses and other relevant evidence may be obtained.
- 8.6 The Hearing Officer/Panel 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).
- 8.7 If the Hearing Panel makes a finding that the complaint is unsubstantiated as there is insufficient evidence to support the complaint and determine that no disciplinary action is required and dismisses the complaint. The Hearing Officer will provide an email response to the Complainant and the Responder.
- 8.8 If the Hearing Panel makes a finding that the complaint is substantiated, the Hearing Panel will determine what offence(s) the Respondent is to be charged with under the Regulations and in conjunction with the DNA Code of Conduct Offences Penalties Policy.

## 9. HEARING

- 9.1 If the Hearing Panel has determined that the Respondent has committed and found proven of the Offence(s) as charged under the Regulations, any one or more of the penalties set out in Part V of the Regulations may be imposed.
- 9.2 If the Hearing Panel determines that the appropriate course of action is to proceed to a Hearing, the Hearing Panel 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 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;



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- (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 days.
- 9.5 The 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 supported at a Hearing by an advocate. The advocate will not provide counsel or instruction.
- 9.9 Each party to a Hearing shall bear their own costs in relation to the 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 Penalties will be in conjunction with the DNA Code of Conduct Offences Penalties Policy.

## PART VI – APPEALS

### 11. CAN A DECISION BE APPEALED?

- 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 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.



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- 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

- 12.1 The Appellant must lodge a Notice of Appeal.
- 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 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

- 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 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 a manner as it thinks fit.
- 13.6 The Appeal Panel must give oral or 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.



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- 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.