

## COMPETITION RELATED DISPUTES & OFFENCES POLICY

### 1. PURPOSE

The purpose of this Policy is to deal with domestic competition – and event-related disputes and offences that arise in relation to the running of competitions, programs, and other events under the jurisdiction of Mandurah Netball Association.

### 2. APPLICABILITY

- a. This Policy applies to all Members and Attendees at Association Activities.
- b. This Policy applies at all times during competitions, programs, and other events that are being run by the Association.
- c. This Policy does not apply to any matter directly addressed by the Member Protection Policy.
- d. This Policy does not apply to disputes between Members, which are dealt with under the Constitution **Part 5 – Division 3**.

### 3. DEFINITIONS

In this policy unless otherwise stated:

**Activity** means competition, program, event, or other initiatives;

**Association** means Mandurah Netball Association;

**Attendee** means any person or organisation attending an Association Activity, including, but not limited to, External Organisations, Players and participants, coaches, umpires and other officials, volunteers, organisation representatives, and Spectators;

**Club Official** means a committee member, preferably the president or vice president or other authorised representative of a Club;

**Constitution** means the INSERT CONSTITUTION LINK HERE of Mandurah Netball Association Inc.;

**Committee** means the management Committee of the Association as determined by the Constitution;

**Complaint** means the Member or Attendee making a complaint under this Policy;

**External Organisation** means an organisation that is not the Association, such as school or other Association;

**Match** means a game of netball played during an Association activity;

**Member Protection Policy** means the INSERT MEMBER PROTECTION POLICY created by Netball Australia;

**Members** means all affiliated members of the Association, including players, coaching and umpiring officials, volunteers, Clubs, and Club members;

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**MPIO** means Member Protection Information Officer

**Permit & Protest Committee** means the subcommittee of the Association with this name;

**Player** means a player in a netball Match, including on and off court players;

**Policy** means this policy;

**Respondent** means the Member or Attendee who is the subject of a complaint under this Policy;

**Spectator** means any person who attends a competition, program, or other event being run by the Association to watch that event, or attend in any other similar capacity, such as a parent, guardian, other relative, significant other, or friend;

**Umpiring Committee** means the subcommittee of the Association with this name.

#### **4. THE POLICY**

- a. Member and Attendees at Association Activities are required to abide by:
  - i. the Mandurah Netball – Codes of Conduct;
  - ii. the Winter Competition Handbook;
  - iii. the Rules of Netball, where applicable and not otherwise amended under the Winter Competition Handbook; and
  - iv. the Policies and Procedures of the Association.
- b. Members and Attendees at Association Activities:
  - i. Are expected to act with honesty and integrity, and not act or behave in any way that would compromise the reputation of the Association or the sport of netball.
  - ii. Must not engage in:
    - (1) Unsporting, intimidating and/or insulting behavior, including by using language or an action or gesture that is, or could be interpreted as, offensive, insulting, aggressive, intimidating, humiliating, obscene, or threatening towards another Member or Attendee;
    - (2) Intimidating, or attempting to intimidate, an umpire or other match official;
    - (3) Threatening assault or physical abuse towards another Member or Attendee; or
    - (4) Any violent act.
  - iii. In relation to the manipulation of, or interference with, a Match, must not:
    - (1) Deliberately fix, contrive in any way to influence improperly, or be a party to fixing or improper influence of, the result, progress, outcome, conduct, or any other aspect of a Match for themselves or others; or

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- (2) Seek, accept, offer, or agree to accept or offer, any benefit to themselves or others to fix or contrive in any other way to influence improperly the result, progress, outcome, conduct, or any other aspect of a match (whether or not such an offer or bribe is given or received).

## **5. PROCEDURES**

- a. Reporting eligibility:
  - i. During the Winter Competition, any Member is eligible to make a report of a breach of this Policy.
  - ii. During Activities other than the Winter Competition, any Attendee, including a Member, is eligible to make a report of breach of this Policy.
  - iii. Where a report related to on-court behaviour of a Player or Match official, including umpires, the report must come from a Committee member, or from a coach, umpire, Club Official, or other Member directly involved in the Match where the behaviour is, or has been, taking place.
  - iv. All reports of breaches of this Policy must be within 48 hours of the incident occurring.
  - v. If a report is made outside of this timeframe, then the Association reserves the right to accept or decline the report.
- b. Before making a report:
  - i. Complaints should refer to the Complaint Management Flowchart (**Appendix A**) to determine the most appropriate course of action.
    - (1) Where the report relates to a Match that is still in progress, the Complainant, or the delegate, should proceed immediately to the Association Office to verbally report the incident.
    - (2) Where the report related to a Match that is no longer in progress, or o an incident outside of a Match, the Complainant should contact the Club to authorise a written report as soon as they become aware of the incident.
    - (3) Where the report related to an Activity that is not a Match or not part of the Winter Competition, then the Complainant should contact the Association to make a written report as soon as they become aware of the incident.
- c. Making a report:
  - i. Verbal reports of breaches of this Policy may only be made in relation to an incident that is, or was, during a Match or Activity that is still in progress.
  - ii. All other reports of breaches pf this Policy, including when a Match or Activity has concluded, must be received in writing on the required form, unless otherwise specified by the Association.
  - iii. Where a written report relates to a Winter Competition Activity, it must be authorised by a Club Official of the Member.

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- iv. Where a written report relates to an Association Activity outside of the Winter Competition, and the Attendee is affiliated with an External Organisation, it must be authorised by a representative of that External Organisation.
  - v. The Association may require that some verbal reports are followed by a written report, such as in instances where the behaviours involved could result in disciplinary action.
  - vi. The Association will have an appointed MPIO, who will be available, as reasonably as possible to Members and Attendees who need assistance with navigating the reporting and dispute resolution process.
  - vii. The MPIO cannot make decisions about facts or determine disputes.
- d. Management of reports:
- i. The Association will endeavour to deal with each report received within a reasonable timeframe, based on the nature of the report and the behaviour involved.
  - ii. Reports made to the Association may be dealt with:
    - (1) By a Committee member;
    - (2) By the Permit & Protest Committee;
    - (3) By an internal tribunal panel;
    - (4) By an external tribunal panel;
    - (5) By the Committee, or;
    - (6) In any manner deemed suitable by the Committee or its delegates.
  - iii. The Association will endeavour to delegate or escalate reports to the most suitable category of decision-maker in **cause 5(d)(ii)**.
  - iv. Where a report is related to behaviour occurring during an ongoing Match or Activity, the Association will endeavour to send two Committee members or delegated representatives to view the behaviour as soon as possible.
    - (1) If the reported behaviour can be managed at the time of the incident by discussion or other initial dispute resolution techniques, then the Association will endeavour to do so,
    - (2) If the reported behaviour can be managed at a Club level, the report will be referred back to the Club/s involved to resolve.
    - (3) If the reported behaviour cannot be resolved via **clause 5(d)(iv)(1) or (2)**, then the Association will determine any next steps to be taken.
  - v. When a written report is received, the Association will review the report within a reasonable timeframe and determine any next steps.
  - vi. The Association may request additional information from the Complainant, the Respondent, anyone directly involved in the incident, or anyone who is determined to have witnessed the incident:
    - (1) In the process of determining whether to accept or pursue the report;
    - (2) In the process of dealing with a report, and;
    - (3) Ahead of, or during, a tribunal or meeting relating to the report.

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- vii. The Association may request that the Club/s involved seek additional information on the Association's behalf.
- e. Procedures for internal tribunals:
  - i. The Association may delegate the review of a report to the tribunal panel.
  - ii. A tribunal panel shall comprise of three people, one of whom will be nominated as the convenor of the panel:
    - (1) the President;
    - (2) the Vice President;
    - (3) one of the following:
      - a) Secretary;
      - b) Umpiring Coordinator;
      - c) Junior Coordinator;
      - d) Permit and Protest Committee Convenor.
  - iii. Additional members may be co-opted to a tribunal panel if doing so is deemed necessary by the original members of the panel or the Committee.
  - iv. Where any member of the panel has a conflict of interest in the matter to be co-opted in their place.
  - v. The Association is responsible for notifying in writing the parties involved, via the relevant Club or External Organisation where applicable, the date, time, and location of the hearing:
    - (1) The Complainant;
    - (2) The Respondent;
    - (3) The umpires of the Match, where applicable
    - (4) Any other relevant parties, including, but not limited to, witnesses of the alleged behaviour.
  - vi. Prior to the tribunal, the Respondent is entitled to be made aware of the nature of the complain and any evidence that is being presented against them.
  - vii. During the hearing process:
    - (1) Each party will be interviewed separately.
    - (2) Each party is entitled to be accompanied by a Club Official or External Organisation.
    - (3) Parties who are under the age of 18 are additionally entitled to be accompanied by a parent or guardian.
    - (4) The Respondent is entitled to speak, or present written response, on their own behalf.
    - (5) The tribunal panel will determine, on the balance, whether the alleged behaviour did occur.
  - viii. The tribunal panel may make a determination under **clause 5(e)(vii)(5)**:
    - (1) During the tribunal process, or;
    - (2) Within a reasonable period following the tribunal process.

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- ix. If the tribunal panel determines that the alleged behaviour did not take place, then the report will be dismissed.
  - x. If the tribunal panel determines that the alleged behaviour did take place, then a penalty may be applied under **clause 6**.
  - xi. The tribunal panel is not required to provide written reason for any decision made.
- f. Procedures for serious breaches during a Match:
- i. When a serious breach of this Policy occurs during a Match and is witnessed by a Committee member or Umpiring Committee member who is not taking part in the Match as a Player, coach, team manager, or Club Official, the Committee member or Umpiring Committee member may:
    - (1) Request that an umpire of that Match holds time to pause the Match;
    - (2) Explain to both umpires of the Match the nature of the breach that was witnessed;
    - (3) Assist the umpires of that Match in managing the breach of this Policy, and;
    - (4) In exceptional circumstances, where a umpire of that Match would be entitled to suspend or order the Player or Spectator from the Match under the Rules of Netball, and in agreement with the umpires:
      - a) Require the removal of any Player or Spectator involved in the breach from the Match;
      - b) Call off the Match.
  - ii. When a serious breach of this Policy occurs during a Match and is witnessed by an umpire of that Match, that umpire may:
    - (1) Hold time to pause the Match;
    - (2) Send any Member or Spectator to request that a Committee member or other Association representative attends a Match;
    - (3) Where Player or umpire safety is at risk, choose to not resume play until the situation is resolved such that the Match may resume safely;
    - (4) Apply any of the Rules of Netball in relation to game management, as necessary and appropriate.
  - iii. Prior to a decision being made to call off a Match under **clause 5(f)(i)** or **5()(ii)**, a minimum of two Committee members should be consulted on the decision, and all those Committee members involved in the decision-making process should agree to the calling off.

## **6. MANAGING BREACHES OF THE POLICY**

- a. It is a breach of this Policy for any person or organisation bound by this Policy to do anything contrary to this Policy.
- b. The Association, or its delegate(s), is the final decision-maker in relation to:
  - i. Whether a breach of this Policy has occurred;
  - ii. Whether a breach, or alleged breach, of this Policy is minor or serious in nature;

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- iii. How a breach, or alleged breach, of this Policy will be dealt with, and;
- iv. Unless otherwise delegated, the outcome and related penalties, if any, of any breach of this Policy.
- c. Any decision made by the Association or its delegate(s) in relation to a breach of this Policy is final and binding.
- d. The Association may seek assistance from external organisations, such as Netball WA or SportWest, in relation to the management of report and breaches under this Policy.
- e. A general record of any decision made by the Association or its delegate(s) in relation to a breach of this Policy shall be recorded in the minutes of the Committee meeting that most closely follows the decision.
- f. A confidential record of any written report and proceedings of any tribunal or other meeting will be retained in a designated location.
- g. When dealing with alleged breaches of this Policy, the Association may:
  - i. In the case of a minor breach, deal with the matter informally;
  - ii. In the case of a serious breach, deal with the situation by means of a tribunal or other meeting, or;
  - iii. Determine to deal with the situation on another manner that is appropriate for the level of the breach being managed.
- h. When it is determined that a breach of this Policy has taken place, the Association may apply disciplinary measures to the Respondents(s), including, but not limited to:
  - i. A direction to cease particular action or behaviour;
  - ii. A written note to be added to the record of the Respondents(s);
  - iii. A written warning;
  - iv. A direction to take an action, such as:
    - (1) Making a verbal and/or written apology;
    - (2) Undertaking a specific training course or training;
  - v. The imposition of a good behaviour period;
  - vi. A withdrawal of individual or team awards won by the Respondent(s);
  - vii. A suspension of membership or ban from participating in some or all Activities with the Association for a length of time determined by the Association;
  - viii. A termination of the Respondent's membership;
  - ix. Where it has been determined that a serious breach in relation to **clause 4(b)(iii)** has occurred:
    - (1) The calling off of a Match;
    - (2) The forfeit of a Match;
    - (3) The postponement or replay of a match;
    - (4) The adjustment of results of a Match, or;
    - (5) Any other outcome determined to be appropriate based on the nature of the breach.

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- i. The Association, or its delegate(s), will endeavour to ensure that any disciplinary measure that is imposed is:
  - i. Fair and reasonable;
  - ii. Consistent with the law;
  - iii. In alignment with the principles of natural justice;
  - iv. Based on the evidence and information presented;
  - v. Proportionate to the conduct, and;
  - vi. Determined in accordance with the relevant rules and policies, including the Rules of Netball.
- j. The form of discipline to be imposed on the Respondent may depend on factors such as:
  - i. The nature and seriousness of the breach;
  - ii. If the person knew, or should have known, that the behaviour was a breach of this Policy;
  - iii. The person's level of contrition;
  - iv. The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
  - v. If there have been any relevant prior warnings or disciplinary action, and;
  - vi. Any other mitigating circumstances.
- k. A failure to complete any disciplinary measures that have been issued may result in additional measures being applied, including, but not limited to:
  - i. An extension of any ban that was applied;
  - ii. The imposition of different disciplinary measures than those previously applied.
- l. Any breaches of this Policy that may be criminal matters by any authority, the Association may defer some or all proceedings under this Policy if it is deemed appropriate.

## **7. RESPONSIBILITIES**

- a. Members and Attendees are responsible for:
  - i. Complying with the policies of the Association and exhibiting acceptable standards of behaviour.
  - ii. Making timely reports that allow the Association to deal with the issues quickly after they arise.
- b. Clubs are responsible for managing the behaviour of Members and Attendees who are affiliated with the Club.
- c. External Organisations are responsible for managing the behaviour of Members and Attendees who are affiliated with the External Organisation.
- d. The Association is responsible for:
  - i. Dealing with reports made to them within a reasonable timeframe.
  - j. Carrying out the Policy with integrity and consideration for the principles of natural justice.



**8. CHANGES TO THE POLICY**

This Policy may be cancelled, amended, or supplemented by the Association as and when it sees fit. Any variation will be given to Members in writing by the Association.

The Association will review this policy on a regular basis to ensure that it remains effective in supporting the objectives and strategic direction of the Association, and to ensure ongoing best practice governance.