

# **REGULATION**

## **Disciplinary Procedures And Appeals**

# **2026**



This Policy was adopted by the IDNA Board on 25 February 2026

# NETBALL ILLAWARRA REGULATION

## DISCIPLINARY PROCEDURES AND APPEALS

### 1 PURPOSE

In accordance with authority provided by Section 41 of the Illawarra District Netball Association Constitution, the Board has created this Regulation to outline the process for disciplinary action by the Board against a member, or a club, not resulting from a complaint or report relating to a competition game, and the process for appeal in relation to such action. This regulation has been created to be read in conjunction with, Section 11 and 34 of the Constitution and interpreted in accordance the Constitution.

### 2 DEFINITION

The term “subject” under this Regulation shall include affiliated Clubs, Directors, Life Members and Registered Members.

### 3 OVERVIEW

Any sanction recommended under this Regulation must:

- (a) Observe any contractual and employment rules and requirements.
- (b) Conform to the principles of natural justice.
- (c) Be fair and reasonable.
- (d) Be based on the evidence and information presented; and
- (e) Be within the powers of the Disciplinary Tribunal or Board to impose the measure.

### 4 DISCIPLINARY TRIBUNAL

- (a) The Disciplinary Tribunal shall operate in accordance with the procedures expressed in the Regulations but subject always to the Constitution and the Act.
- (b) The Disciplinary Tribunal will be appointed from an independent panel consisting of up to ten persons, who are members of Netball Illawarra, with appropriate knowledge and skills.
- (c) Any Disciplinary Tribunal convened under this Regulation will consist of at least three members.
- (d) A Board member shall be appointed as the Disciplinary Tribunal’s Co-ordinator. The Co-ordinator will appoint the Disciplinary Tribunal members to investigate the

matter and make a determination in relation to the alleged breach. The Co-ordinator may be present at a hearing but cannot vote on any decision.

- (e) The decision of the Disciplinary Tribunal's is final, except when an appeal to the Board is lodged in accordance with Sub-Section 9.9. In this case, the decision of the Board shall be final.

## 5 NOTICE OF ALLEGATION

Where the Board requires a Disciplinary Tribunal to deal with a disciplinary matter, the Secretary shall, as soon as practicable, serve on the subject a notice in writing:

- (a) Setting out the alleged breach by the subject and the grounds on which it is based.
- (b) Stating that the subject may address the Disciplinary Tribunal at a meeting to be held not earlier than fourteen and not later than twenty-eight days after service of the notice.
- (c) Stating the date, place and time of that meeting; and
- (d) Informing the subject that they may do one or more of the following:
  - (i) attend that meeting; and/or
  - (ii) give to the Disciplinary Tribunal at least three (3) days before the date of that meeting, a written statement regarding the alleged breach.

## 6 DECISION OF DISCIPLINARY TRIBUNAL

- (a) At a hearing, the Disciplinary Tribunal shall:
  - (i) Give the subject (either personally or through a representative who shall not be legally trained) every opportunity to be heard.
  - (ii) Give due consideration to any written statement submitted by the subject; and
  - (iii) Determine what (if any) sanctions should be imposed if it is satisfied that the facts alleged in the complaint have been proved and that the alleged breach occurred.
- (b) The Disciplinary Tribunal is required to give reasons for its decision to the subject.
- (c) If the Disciplinary Tribunal imposes a sanction, the Secretary must, within seven (7) days after the action is taken, cause written notice to be given to the subject of the action taken and of the subject's right of appeal in accordance with Sub-Section 9.9.
- (d) The sanction does not take effect:
  - (i) Until the expiration of the period within which the subject is entitled to appeal against the decision concerned; or
  - (ii) If within that period the subject exercises the right of appeal, unless and until the Netball Illawarra confirms the decision under Sub-Section 9.9, whichever is the latter.

## 7 SANCTIONS

- (a) If the Disciplinary Tribunal finds that an offence has been proved or committed by an individual, one or more of the following sanctions may be imposed:

- (i) direct that the individual makes a verbal and/or written apology.
  - (ii) issue a written warning.
  - (iii) direct that the individual attend counselling to address the behaviour.
  - (iv) withdraw any award, placing, records, honour, achievements bestowed in any event or activities held or sanctioned by Netball Illawarra.
  - (v) demote or transfer the individual to another role or activity.
  - (vi) in the case of a coach or official, direct that the relevant Netball Club disallow that subject from that role for a period of time, or permanently.
  - (vii) suspend the subject's right to participate in particular activities.
  - (viii) suspend the subject from membership of Netball Illawarra for a specified period.
  - (ix) expel a subject from Netball Illawarra; or
  - (x) impose such other penalty, action, or educative process as it deems appropriate.
- (b) If a finding is made that a Netball Club has committed an offence or the allegation is proved, one or more of the following sanctions may be imposed in addition to those set out in clause 9.7a):
- (i) Suspend all meeting attendance of delegates and voting rights of the club.
  - (ii) Impose a monetary fine on the club, or
  - (iii) Suspend or expel the club from Netball Illawarra; or
  - (iv) Any combination of the above.
- (c) When imposing any sanction, it will be accompanied by a warning that a similar breach by that subject in the future may result in the imposition of a more serious sanction.

## **8 FACTORS TO CONSIDER WHEN IMPOSING SANCTIONS**

- (a) The nature and seriousness of the behaviour or incidents.
- (b) The effect of the proposed sanctions on the subject including any personal, professional, or financial consequences.
- (c) If there have been relevant prior warnings or disciplinary action.
- (d) If there are any mitigating circumstances; and
- (e) Any representations made to the Disciplinary Tribunal.

## **9 APPEAL**

- (a) A subject may appeal to the Board against a decision of the Disciplinary Tribunal but must do so no later than seven (7) days after notice of the decision is served on the subject, by lodging with the Secretary a written notice to that effect.
- (b) The notice must be accompanied by a statement of the grounds on which the subject intends to rely for the purposes of the appeal.
- (c) Where the Secretary receives such a notice, they shall notify the Board who shall consider the appeal at its next Board meeting or in a specially convened Board

meeting to be held within twenty-eight (28) days after the date on which the Secretary received the notice.

- (d) The Board may uphold a decision of the Disciplinary Tribunal, refer the matter back to the Disciplinary Tribunal for it to be reconsidered, or reach its own decision in relation to the allegation against the subject. The Board must provide written reasons for its decision.
- (e) The decision of the Board shall be made by a majority vote and shall be considered as the final decision on the matter.