

Appendix D Notification of Alleged Breach and Hearing Tribunal

Notification of alleged breach/ tribunal hearing tribunal

Insert Date

To: *Insert participant details and membership number.*

By Email - Hand Delivered

Of: *Team name*

Dear *Insert name,*

We refer to the complaint received on *insert date* in regards to *give context of complaint.*

As a member and participant of Netball operated by an organisation affiliated with Netball NSW, *insert affiliate name*, you are subject to the Netball NSW Constitution and Member Protection Policy. A copy of all related documentation can be viewed at the Netball NSW website <https://nsw.netball.com.au/inside-netball-nsw/library/policies-forms/> and you are encouraged to read this information and the Member Protection Policy.

Attendance at Tribunal Hearing

Your attendance at this hearing is required to hear the allegation of breaches and respond. If you are under 18, you should bring an adult representative (not acting as a legal practitioner) who may advise you or ask questions. Otherwise you are entitled to bring a support person.

Details of Hearing

Time: *Insert Time*

Date: *Insert Day and Date*

Location: *Insert Location*

Alleged Charge:

It is alleged that you have:

Delete sections which are not relevant.

- 16.1.1 Acting in a manner contrary to this Policy.
- 16.1.2 Bringing netball, Netball NSW or Affiliates into disrepute, or acting in a manner likely to bring netball, Netball NSW or Affiliates into disrepute. This includes conduct that is dishonest, fraudulent, corrupt, illegal, unethical, improper, and unsafe and conduct that may cause financial or reputational loss.
- 16.1.3 Failing to follow Netball NSW or Affiliate policies (including this Policy) and procedures for the protection, safety and well-being of children.
- 16.1.4 Discriminating against, sexually harassing or bullying (including cyber-bullying) any person covered by this Policy.
- 16.1.5 Victimising another person for making or supporting a complaint.

- 16.1.6 Engaging in a sexually inappropriate relationship with a person that s/he supervises, or has influence, authority or power over.
- 16.1.7 Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within netball.
- 16.1.8 Appointing or continuing to appoint a person to a role that involves working with children and young people contrary to this Policy.
- 16.1.9 Disclosing to any unauthorised person or organisation any Netball NSW or Affiliates information that is of a private, confidential or privileged nature.
- 16.1.10 Making a complaint that they know to be untrue, vexatious, malicious or improper.
- 16.1.11 Failing to comply with a penalty imposed after a finding that the individual has breached this Policy.
- 16.1.12 Failing to comply with a direction given to the individual as part of a disciplinary process.

Attached is a copy of the complaint lodged in respect of the incident referred to above.

Confirmation of Attendance

Please confirm your attendance with Hearings Officer, **insert name and contact details**. You are entitled to bring a support person.

Non-attendance at Hearing Tribunal

If a charged person (or representative of a charged team or club) fails to attend a Hearing Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Hearing Tribunal in the absence of the charged person, team or club, provided that the Hearing Tribunal is satisfied that all notification procedures under the Member Protection Policy, Attachment B – Complaint Handling Procedure have been carried out.

A charged person, team, club or reporting official may apply to the Hearings Officer to have a Disciplinary Tribunal hearing:

adjourned; or

convened in another way (e.g. teleconference)

if there are compelling circumstances which the applicant considers warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. This decision will be solely at the discretion of the Hearings Officer (or a Hearing Tribunal if already convened).

A charged person who is unable to attend a Hearing Tribunal hearing shall be entitled to appoint a representative (who is not acting as a legal practitioner) to appear in his/her place if that charged person does not intend to contest the charge, subject to a Hearing Tribunal receiving a letter of consent from the charged person containing the person's intention not to contest the charges contained in the report and any statement that person would have given to a Hearing Tribunal had he or she attended the hearing.

If any witness fails to attend a Hearing Tribunal hearing, the hearing may continue in his/her absence at the discretion of the Hearing Tribunal. However, if such witness has been notified by the Hearings Officer as being a required person at a Hearing Tribunal hearing, such witness may be liable to penalty by a Hearing Tribunal for obstructing the Hearing Tribunal procedures.

If a reporting official fails to attend a Hearing Tribunal hearing without reasonable cause, the hearing may proceed and a determination made by the Hearing Tribunal in the absence of the reporting official, provided that the Hearing Tribunal is satisfied that all notification procedures under these Hearing Regulations have been carried out.

Supporting Evidence and Attendance

The following persons shall be required to attend a Hearing Tribunal hearing conducted under the Member Protection Policy Attachment B – Complaint Handling Procedure. These include the charged person or the president, secretary, manager or other delegate representing a charged team or club, the reporting official(s), any other person involved in the report, witnesses as indicated by the reporting official or charged person and as notified by the Hearings Officer, and any other witness required by a Hearing Tribunal.

Legal representatives or legal advocates are not permitted to appear before a Hearing Tribunal unless in exceptional circumstances and where leave to appear has been granted by a Hearing Tribunal chairperson.

The chairperson may invite any other person he/she believes will assist a Hearing Tribunal.

Right to Appeal

There shall be no appeal from a decision of a Hearing Tribunal unless the person seeking to appeal ("Appellant") satisfies the chairperson of the Appeal Tribunal, in the chairperson's sole discretion, that significant new or additional evidence has become available.

If prior to your attendance at the hearing you have any questions, you are encouraged to contact the Hearings Officer, insert name who will assist you as far as practicable. Again, the Member Protection Policy can be accessed in full at the Netball NSW website https://s3-ap-southeast-2.amazonaws.com/netball-wp-assets/wp-content/uploads/sites/4/2019/01/02104218/Netball-NSW-Member-Protection-Policy-V6_-2Jan2019.pdf.

Part B – Complaint Handling Procedures outlines the procedures to be followed during the hearing; https://s3-ap-southeast-2.amazonaws.com/netball-wp-assets/wp-content/uploads/sites/4/2019/01/02104229/NNSW-MPP-Attachment-B-Complaints-Handling-Procedures_-2Jan2019.pdf.

We look forward to receiving your confirmed attendance at the above hearing.

Yours sincerely,

Insert name

Hearings Officer

Netball NSW Authority *(adjust to be the affiliate name)*

P: *insert phone number*

E: *insert email*