# Appendix F - Notification of Disciplinary Tribunal Hearing

**Notification of Disciplinary Tribunal Hearing**

*Insert Date as [Day, Date Month Year]*

To: *Insert participant details and membership number.*

*By E Mail - Hand Delivered*

Of: *Team name.*

Dear *Insert name*,

We refer to the alleged incident on *insert date* in a Netball game between *team name and team name at the venue and event, field number at the time recorded*.

As a member and participant within a competition operated by an organisation affiliated with Netball NSW, *insert affiliate name*, you are subject to the Netball NSW Constitution and Disciplinary Policy. A copy of all related documentation can be viewed at the Netball NSW website <insert web address> and you are encouraged to read this information and the Disciplinary Policy.

**Attendance at Tribunal Hearing**

Your attendance at this hearing is required to hear the charges alleged 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:** As per the Disciplinary clause 4.1.2 - Authority of a Disciplinary Tribunal

It is alleged that you have:

*Delete sections which are not relevant.*

1. Breached, failed, refused or neglected to comply with a provision of the Constitution, Policy, Netball NSW Codes of Conduct, Rules of Netball including the Competition Rules of Netball NSW and/or its Affiliates or other relevant document - [insert title of document]; or
2. Acted in a manner unbecoming of a Member or prejudicial to the Objects or the interests of Netball NSW and or Netball; or
3. Prejudiced Netball NSW or Affiliates or brought Netball NSW or Affiliates into disrepute.

Attached is a copy of the Incident Report Form/Report 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 Disciplinary Tribunal Hearings**

If a charged person (or representative of a charged team or club) fails to attend a Disciplinary Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Disciplinary Tribunal in the absence of the charged person, team or club, provided that the Disciplinary Tribunal is satisfied that all notification procedures under the Disciplinary Regulations 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 Disciplinary Tribunal if already convened).

A charged person who is unable to attend a Disciplinary 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 Disciplinary 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 Disciplinary Tribunal had he or she attended the hearing.

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

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

**Supporting Evidence and Attendance**

The following persons shall be required to attend a Disciplinary Tribunal hearing conducted under the Disciplinary Policy. 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 Disciplinary Tribunal.

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

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

**Right to Appeal**

There shall be no appeal from a decision of a Disciplinary 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 Disciplinary Policy can be accessed in full at the Netball NSW website <insert web address>. This Policy outlines the procedures to be followed during the hearing.

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*