



Netball NSW

Investigation Guide 2025

Next Review: November 2026
Last Reviewed: November 2025

1. Background

This resource is intended to provide general guidance for the conduct of Investigations undertaken by a Complaints Manager, as well as Investigators engaged to conduct Investigations (if used) in the netball community. It is provided noting that every Investigation will have its own context, issues to explore and challenges that will require the Investigator/Complaint Manager to adapt to accommodate. As such, this should be considered as a guide only, to tailor for each Investigation, as is appropriate.

As with any complaint resolution process, where it involves children and young people, the process should be child focused. Refer to the NNSW Child Focused Guide to Complaint Processes that has been produced to assist in this regard.

It is critical that any Investigation and the matters the subject of the Investigation remain confidential, in line with the confidentiality clauses in the relevant policy.

2. Interpretation:

In this guide:

Complainant means the person who has made the allegation(s) against the Respondent.

Complaints Manager has the meaning provided in the Complaints Policy and is the person appointed to manage the complaint or report (and facilitate its resolution) by the netball organisation managing the matter to be investigated.

Complaints Policy means the Netball Australia/Netball NSW policy under which the complaint has been raised and will be investigated.

Decision Maker has the meaning provided in the Complaints Policy and is the person appointed by the netball organisation managing the matter to make decisions in relation to the resolution of complaints or reports it manages.

Investigator refers to the person conducting the investigation that has been appointed by the relevant Complaints Manager of the netball organisation managing the complaint or report. This person should be familiar with investigation processes, unbiased and have no perceived or actual conflicts of interest in relation to the matter being investigated. For clarity, this person acts for and on behalf of the netball organisation managing the complaint or report. This person may also be the Complaints Manager.

Investigation means the investigation being undertaken by the Investigator.

Respondent means the person responding to the allegation(s) made by the Complainant(s).

3. Investigation Process

- 3.1 The Complaints Manager should notify the parties to the complaint or report that an Investigation will occur and provide details about:
 - a) the allegations being investigated (if finalised);
 - b) who the Investigator is;
 - c) any known timings of the process being undertaken; and
 - d) any other relevant matters.
- 3.2 In line with the Complaints Policy, the Complainant(s) and the Respondent(s) are entitled to have a support person present during any interview conducted in the Investigation, subject to that person never having been admitted to practice as a lawyer or barrister.
- 3.3 The Investigator may conduct interviews either in-person, via video conference or by phone.
- 3.4 The Investigator should document all interviews in writing.
- 3.5 The Investigator should interview the Complainant first to gather relevant facts and to ensure that the details of the allegations are clear. Should the Complainant refuse to be interviewed, the Investigator should provide the Complainant an opportunity to provide written, audio or video submissions and supporting evidence to the Investigator.
- 3.6 Following interview with the Complainant, the Investigator may interview relevant witnesses if the Investigator considers that that is necessary to finalise the detailed allegations to put to the Respondent.
- 3.7 Otherwise, the Investigator should convey the details of the complaint to the Respondent. The Respondent should be provided with sufficient information to enable them to respond fully to the allegations made against them. This generally means that a copy of the complaint and any supporting evidence is supplied to the Respondent. Note – witnesses must provide their consent to share their statement, acknowledging that it may be made available to the Respondent.
- 3.8 The Investigator should then interview the Respondent. Should the Respondent refuse to be interviewed, the Investigator should provide the Respondent an opportunity to provide written, audio or video submissions and supporting evidence to the Investigator. Reasonable efforts must be made to interview the Respondent or obtain their response in any format.
- 3.9 If, in process of the Investigation, there continues to be a dispute regarding the facts, then the Investigator should gather statements and/or conduct interviews with any other relevant witnesses.
- 3.10 The Investigator should prepare the report of Investigation requested and provide that report to the Complaints Manager as soon as possible. If the Complaints Manager is conducting the Investigation, their report is prepared for the Decision Maker.
- 3.11 The Complaints Manager, once satisfied that the report prepared by the Investigator meets the brief provided, should provide the report to the Decision Maker of the relevant netball

organisation in question to enable the Decision Maker to make a decision regarding outcome(s).

- 3.12 No Investigation shall be invalidated by any irregularity in the appointment of an Investigator, or by any irregularity of the Investigator in applying the process in this guide.
- 3.13 No decision, act or omission of the Investigator shall be invalid merely because of a failure to comply with the procedure in this guide, or any other irregularity in the procedure in this guide, unless a person suffers substantial prejudice as a result of that failure to comply or other irregularity in procedure.

4. Brief to Investigator

The Complaints Manager may provide a written brief to the Investigator to confirm the terms of engagement and scope of the Investigator's role. This brief could:

- 4.1 refer to these guidelines as to how the Investigator may conduct the Investigation.
- 4.2 where appropriate, refine and/or draft the allegations to put to the Respondent(s).
- 4.3 request that the Investigator make findings on the 'balance of probabilities' standard of proof as to whether the allegations are:
 - a) Substantiated (there is sufficient evidence to support the allegation(s)).
 - b) Unable to be substantiated or inconclusive (there is insufficient evidence to support the allegation(s) either way);
 - c) Unsubstantiated (there is insufficient evidence to support the allegation(s); or
 - d) Mischievous, vexatious or knowingly untrue.
- 4.4 request that the Investigator prepare a clear, objective and unbiased report that uses headings and sub-headings. Sections of the report may include:
 - a) An **Executive Summary**.
 - b) The **Allegations** in question.
 - c) **Findings** in relation to the allegations.
 - d) **Evidence** referenced in relation to the findings made.
 - e) **Recommendations** relevant to the subject matter of the complaint or report; and
 - f) The **Methodology** used to conduct the Investigation.