



'Enhancing the future of Bowls across the NW Coast'

BNW DISCIPLINARY POLICY

Bowls North West – Disciplinary Policy

RESPONSIBLE OFFICERS: BNW CEO
AUTHORITY: BNW Board

Date Reviewed: 15/8/22

NEXT REVIEW DATE: August 2025

Disciplinary Procedures –

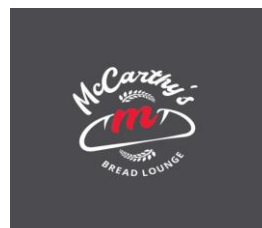
1. Definitions and Interpretation

- Bowls North West is the Controlling Body for regional bowls competitions conducted in North West Tasmania.
- As the Controlling Body for bowls competitions in the North West Tasmania, BNW has a responsibility to ensure that all matches played in such competitions are conducted in accordance with its own Conditions of Play for Domestic Competitions, the Laws of the Sport of Bowls, and all relevant BNW, BTAS and or BA policies.

2. Application of the Policy

- This policy will apply in the following circumstances –
 - To any bowls club being an affiliated member of BNW
 - To any individual member of a BNW affiliated club registered as a player with BNW
 - Participates in any BNW sanctioned bowls competition

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- Represents BNW as a playing member or official of a BNW representative side which participates in a BTAS statewide event.

3. Discipline of Members

- Allegations of misconduct by a registered player must be received by the BNW CEO on the prescribed form, Infringement – Player Report
 - The reason/s for the referral shall be clear and unambiguous, stating precisely the matter to be determined, as well as the Law/s of Bowls, and or Condition/s or Play, and/or specific policy/s it is alleged that the player contravened.
 - An additional page may be attached to the Infringement – Players Report, if there is insufficient space on the form to provide a full outline of the allegation.
- Allegations of actions by clubs contrary to the Laws of Bowls, BNW Conditions of Play, and/or BA/BTAS/BNW policy shall be made in writing to the BNW CEO.
- On receipt of an Infringement Notice (or written complaint alleging misconduct by a club), as described in above points, the BNW CEO will refer such allegations to the BNW Complaints Committee consisting of the BNW Vice Presidents, Chair of the BNW Match Committee to determine any further action to be recommended to the BNW CEO, which may involve –
 - Immediate dismissal of the complaint, either due to it being ambiguous, trifling or frivolous
 - The issue of a written reprimand to the player or club
 - Referral to a mediation/conciliation process
 - Referral to the BNW Match Committee
 - Immediate referral to the BNW Tribunal Panel (TP)
- On receipt of the Complaints Committee's report the BNW CEO will take immediate steps to initiate the process recommended.
- The Complaints Committee shall have no power to impose penalties.

4. Mediation

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- Participation in a mediation/conciliation process, if recommended, is mandatory on the parties concerned. Refusal to participate in the process will initiate a Tribunal Panel procedure.
- The mediation/conciliation process will be conducted by a Member Protection Officer, acting as Mediator.
- The Mediator does not have the power to impose sanctions, but must endeavour to achieve a negotiated settlement between the parties.
- At the completion of the mediation/conciliation process the mediator will provide the BNW CEO a written report which will include a statement of resolution and/or any recommendations for the Board's consideration.
- The BNW CEO will ensure that a copy of the report is provided to the parties for whom the mediation/conciliation process was initiated.

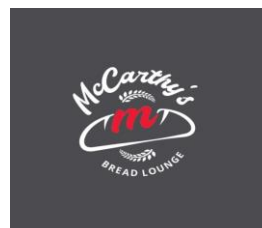
5. BNW Tribunal Panel (TP)

- The Tribunal Panel (TP) will be comprised of five persons appointed by the BNW Board from time to time being;
 - A member of the Board
 - Other Members to be determined by the Board, from a list of names solicited from BNW affiliated clubs
 - Members from the Community unbiased to the sport itself
 - Any three of whom shall form a quorum. The BNW CEO shall have all such powers to him/her necessary for the efficient functioning of the (TP)
- The Board will appoint a Tribunal Chair from those listed.
- No persons shall accept a position on the TP should they hold a perceived or actual conflict of interest in the alleged matter.

6. Convening a Tribunal Panel Hearing

- On receipt of a recommendation from the BNW CEO that the allegation should be heard by the TP, the TP Secretary will immediately consult with the remaining panel members to determine an appropriate date, time and place for the hearing. The

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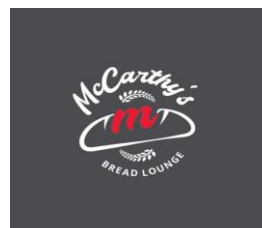
hearing shall take place no less than 14 days and no more than 28 days from the receipt of the referral.

- The TP Secretary will then forward a copy of the Infringement Notice, or written complaint, to the party/s required to answer the allegation, informing them of the date, time and place for the hearing and advising that they are;
 - Permitted to provide a written submission to the TP, to be received not less than five (5) days before the date of the hearing
 - Permitted to appear at the hearing and/or be represented by a person (not permitted to be legally qualified). In the case of minors, it is mandatory that they are accompanied by an adult who can assist in representing their interests
 - Permitted to have a support person accompany them to the hearing, who cannot speak during proceedings – unless permitted by the Chair of the TP
 - Required to notify the TP Secretary of those appearing before the TP, as witnesses on their behalf, no less than five (5) days before the hearing
- The TP secretary will contact all witnesses, nominated by either the complainant or the alleged offender, requesting a written statement in support of either the allegation or in defense of those subject of the allegation (depending on the party who nominated them).
- Where the allegation involves a registered player the TP Secretary will also provide documentation of the complaint to the players club.

7. Meeting of the Tribunal Panel

- The TP shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances, provided it does so in accordance with the principles of natural justice.
- At the hearing of the TP, the TP shall;
 - Give the club or person who is the subject of the allegation the opportunity to be heard
 - Give due consideration to the evidence submitted to the hearing whether in the form of a written statement or by way of oral evidence, by any witness in support of either the complainant or those of the allegation and

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- By resolution determine whether the alleged breach occurred
- The TP will determine the order of oral submissions at the hearing, always ensuring that the complainant will be heard first followed by any other witness supportive of the alleged offence, then the alleged offender and his/her witnesses and evidence as it thinks fit and all parties subject to these regulations shall be required to provide evidence as they are able
- All parties who are required to attend the TP hearing must be advised of the order of oral submissions prior to the commencement of the proceedings
- Should the TP find that the allegations are proven, the TP is empowered to impose penalties on the club/person based on point 9 (Penalties)
- Should the TP find the allegations unproven the referral shall be dismissed
- All parties shall bear their own costs

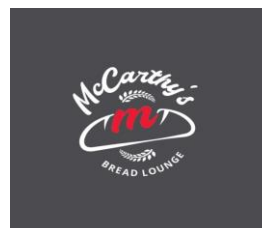
8. Decision

- The decision will be a majority vote.
- The TP Secretary will provide the remaining TP members with minutes of the meeting for ratification within three (3) days of the hearing.
- The TP Secretary will provide the BNW CEO the ratified minutes for distribution to the Board within six (6) days of the hearing.
- The BNW CEO will circulate the TP minutes, including its decision and any penalty imposed, to the complainant, the defendant and the defendant's club within seven (7) days of receiving the documentation from the TP secretary.
- If the decision is adverse the BNW CEO will include information to the defendant advising of the right to appeal.
- The BNW CEO will retain all documentation relating to the complaint, including the TP report.
- The BNW CEO will ensure that the penalties are enacted.

9. Penalties

- Penalties which may be determined, subject to any limitations in relevant policies or the Law of Bowls, include;

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- A fine to the maximum of \$1000
- Exclusion(s) from a particular activity, event or events for a period of up to but not exceeding two (2) years
- Suspension(s) from all bowls activities, on such terms and for such period as considered fit, for a period not exceeding two (2) years
- Disqualification(s) for such period as considered fit, including life bans
- The TP may impose any of the penalties described, but as a penalty wholly suspended for a period not exceeding two (2) years, during which time the party found to be in breach must not re-offend, otherwise the original penalty imposed will be invoked in addition to any further penalty imposed as a result of a further breach. A party already subject to a penalty wholly suspended shall not be able to have a further penalty also suspended.

10. Matters Referred to Appeals Committee

- A party found to be in breach and against whom a penalty has been imposed, whether wholly suspended or not, may lodge an appeal against the decision of the TP based on the following grounds;
 - That the decision is wrong having regard to the application of the relevant rule, regulation, policy or Law of Bowls
 - Where new evidence becomes available
 - That natural justice has been denied, or
 - That the penalty is too harsh
- Appeals, in writing, against the decision and/or penalties imposed by the TP and addressing one or more of the grounds for appeal described in point 10 must be accompanied with a sum of \$200 in clear funds to BNW as a bond.
- Appeals must be received by the BNW CEO not later than twenty one (21) days after the TP hearing.

11. Membership of the Appeals Committee (AC)

- The AC shall be composed of three (3) persons appointed by the Board, being;
 - A legally qualified person, recommended by the BNW CEO and

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- Two (2) members nominated by the Board, not themselves being neither members of the Board, members of a BNW committee nor having been a member of the TP that heard the complaint
- The Board will appoint a Chair and a Secretary from the list
- No person shall accept a position on the AC should they hold a perceived or actual conflict of interest in the matter

12. Convening the AC

- On receipt of all documentation pertaining to the appeal from the BNW CEO the AC Secretary will, in consultation with the remaining AC members, determine an appropriate date, time and place for the hearing. The meeting shall take place no less than fourteen (14) days and no more than twenty eight (28) days from the date of receipt of the referral.
- If the matter is deemed by the Board to require urgent attention, then the AC may agree to a variation of the time frame.
- The AC Secretary shall notify the other AC members and the following parties of the date, time and place of the hearing;
 - The defendant
 - The complainant
 - The defendant's club
- The parties listed are permitted to provide a written submission in response to the defendant's written statement of grounds for appeal, to be received no less than five (5) days prior to the hearing.
- The listed parties are
 - Permitted to appear at the hearing and/or represented by a person, however, shall not be permitted to be represented by a person who is legally qualified.
 - Required to notify the AC Secretary of those appearing as witnesses before the AC, on their behalf, no less than five (5) days prior to the hearing.
- The defendant is permitted to have a support person accompany them to the proceedings, who is not permitted to speak, unless the Chair allows.

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- The AC hearing is not a rehearsal of the matter, but a hearing of the issue/s under appeal only.

13. Decision

- The decision will be a majority vote.
- The AC may make a decision based on items in section 10 only.
- The AC may, in its discretion, confirm the penalty or may decide not to confirm such penalty but instead impose an alternative penalty available under section 9.
- Should the AC find the allegation unproved the referral will be dismissed.
- If the AC revokes the penalty or finding of the TP the bond shall be refunded to the party appealing within fourteen (14) days of the determination of the AC.
- The AC may, in its complete discretion, determine that a portion of the entire bond shall be refunded to the party appealing, within fourteen (14) days of the decision of the AC, if it is satisfied that the appeal was not frivolous.
- The AC secretary will provide the remaining AC members with the minutes of the meeting for ratification with three (3) days of the hearing.
- The AC secretary will provide the ratified minutes to the BNW CEO for distribution to the Board within six (6) days of the hearing.
- The BNW CEO will circulate the decision of the AC to the parties within seven (7) days of receiving the documentation from the AC secretary.
- The BNW CEO will ensure that all parties are enacted immediately.
- The Decision of the AC are final, and no further appeals are permitted.
- The BNW CEO will include all documentation from the AC process and include with records retained from the original TP hearing of the matter.

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