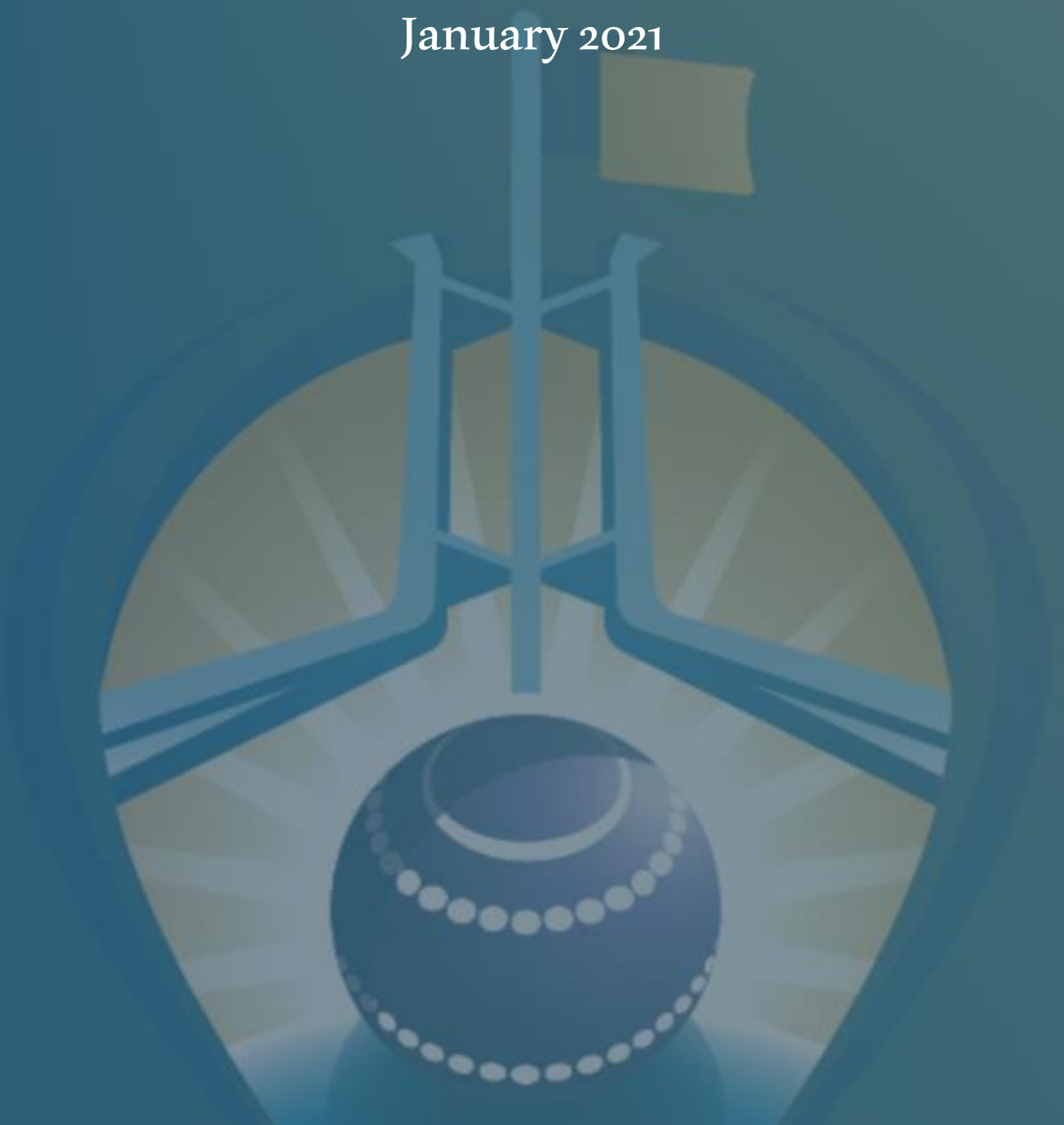


BOWLS ACT

Disciplinary Policy

January 2021



BOWLS ACT POLICY ON DISCIPLINARY ACTION

1. DATE OF ADOPTION AND APPLICATION

- 1.1 This Policy applies to all disciplinary action commenced after the date of its adoption, even if the events leading to the disciplinary action occurred, in whole or in part, prior to that date.
- 1.2 Annex 1 lists the date of adoption and the dates of any subsequent amendments.

2. CONSTITUTION

- 2.1 This Policy is binding on all Members of Bowls ACT and has the same effect as a rule in the Constitution.
- 2.2 The Constitution will prevail should there be a conflict.

3. PURPOSE OF POLICY

- 3.1 The Constitution establishes a framework for the conduct of disciplinary action. This Policy supplements that framework.

4. DECISION ON DISCIPLINARY ACTION [RULE 9.3]

- 4.1 The Board may only act on a complaint made in writing. The form at Annex 2 should be used for making a complaint. The Executive Officer will keep a register of complaints.
- 4.2 A complaint must be lodged within 7 days of the alleged incident to which it relates. The Board may accept a complaint lodged at a later time if circumstances were such as to prevent it being lodged within time.
- 4.3 The Board must decide within 10 days of receiving a complaint whether to initiate disciplinary action.
- 4.4 The Board may request the person or persons who submit a complaint to provide further information in writing. The Board may also seek information from other persons in writing.

5. NOTICE OF DISCIPLINARY ACTION [RULE 9.4]

- 5.1 The Board or committee has 7 days from the date of the decision to take disciplinary action to send a notice in writing to the Member concerned as required under rule 9.4 of the Constitution.
- 5.2 The Board or the committee must schedule the disciplinary meeting not earlier than 7 and not later than 14 days after the notice under rule 9.4 of the Constitution is sent.

6. ATTENDANCE AT DISCIPLINARY MEETING [RULE 9.6]

- 6.1 To avoid doubt, a Member who is not attending the disciplinary meeting may have witnesses attend who can be questioned by the Board or committee. The Member may also submit a written statement.



6.2 The person or persons who made the complaint upon which the disciplinary action is based must attend the meeting to give evidence. If they do not attend without good reason, the Board or the committee may cease the disciplinary action.

7. DECISION ON DISCIPLINARY ACTION [RULE 9.6]

7.1 The decision of the Board or committee will be by majority.

8. GUIDANCE ON PENALTIES [RULE 9.7]

8.1 In deciding on penalties under rule 9.7 of the Constitution, the Board or committee must take into account whether:

- (a) there are aggravating circumstances, including the action of the Member causing injury to another person or damaging property;
- (b) there are mitigating circumstances;
- (c) the Member has expressed regret for the action; or
- (d) the Member has had a penalty or penalties imposed on them as a result of prior disciplinary action.

8.2 Taking into account the guidance contained in 8.1, the Board or committee must, as a minimum penalty, suspend for at least 3 months an individual Member who it decides has threatened, abused or harassed in any way a player, coach, umpire, measurer, marker, official, volunteer, parent/guardian or spectator. The Board or committee may impose additional penalties on the Member.

8.3 The penalty of suspension for an individual Member may be imposed for a maximum period of 2 years.

9. NOTICE OF DECISION [RULE 9.8]

9.1 The Board or committee must send the advice to the Member required under rule 9.8 of the Constitution within 7 days of its decision.

10. FAILURE TO COMPLY WITH A DECISION [RULE 9.10]

10.1 The Member has 10 days to respond to the written request from the Board or committee for an explanation of their failure to comply with a penalty.

11. NOTICE OF APPEAL [RULE 10.1]

11.1 A Member may appeal to a General Meeting against a decision taken under rule 9.6(b) of the Constitution by lodging with the Executive Officer a notice in writing to that effect within 7 days of receiving advice of the decision. The notice must identify the ground or grounds of appeal.

12. IMPOSING A LESS SEVERE PENALTY [RULE 10.4]

12.1 If a Member successfully raises the ground of appeal that the penalty imposed upon them is too severe, then the Board or committee must:

- (a) if the penalty was expulsion from Bowls ACT, replace that penalty with a lesser penalty or combination of penalties;
- (b) if the penalty was suspension from Bowls ACT, reduce the length of that suspension or impose a lesser penalty or combination of penalties;



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- (c) if the penalty was a fine, reduce the amount of that fine or impose a lesser penalty or combination of penalties;
- (d) if the penalty was a period of probation, reduce the length of that probation or impose a lesser penalty or combination of penalties; or
- (e) in the case of any other penalty, reduce the severity of that penalty or impose a lesser penalty or combination of penalties.

12.2 The Board or committee must inform the Member of the revised penalty in writing within 14 days of the General Meeting.

13. MATTERS ARISING UNDER THE MEMBER PROTECTION POLICY

13.1 Where disciplinary action is being taken under the Member Protection Policy, the Board or the committee hearing the matter will determine whether any special procedures should be adopted to take account of the sensitivity of a matter and to meet confidentiality requirements.



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ANNEX 1

Date of Adoption:

12 February 2021

Dates of Amendment:



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ANNEX 2

COMPLAINT FORM

Date: dd/mm/yyyy

Complainant's Name:

Contact details:

Over 18

Under 18

When/where did the alleged incident take place?

.....

What happened during the alleged incident?

.....

What is the nature of the complaint? (grounds)

.....

Name(s) of persons allegedly involved

.....

Names of witnesses:

.....

