



SOUTHERN TASMANIAN NETBALL ASSOCIATION INCORPORATED

COMPLAINT HANDLING GUIDELINES

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Approval

	Name	Title	Date
Prepared by	Monika Andersch		22/01/2024
Approved by	Alison Lai	President (<i>on behalf of the STNA Board of Management</i>)	12/03/2024

Revision History

Version	Approved by name	Approved by title	Amendment notes
0.0	Alison Lai	President (<i>on behalf of the STNA Board of Management</i>)	New guidelines
0.1			



STNA Complaint Handling Guidelines

SCOPE

The Southern Tasmanian Netball Association (STNA) and Member Netball Clubs, as part of their affiliation with Netball Tasmania (NT) and Netball Australia (NA), are bound by several Netball Integrity Policies. The following guidelines have been developed to replace the STNA Grievance process.

The STNA Complaint Handling Guidelines are a summary of the process outlined in the Netball Australia Netball Integrity Policy Framework, Conduct & Disciplinary Policy (updated 1 March 2024). This Policy framework also draws from other relevant NA policies, including Safeguarding Children & Young People, and Member Protection, among others.

These guidelines are not intended to be exhaustive, and Member Clubs and members are expected to familiarise themselves with the relevant national policies that affect them. These policies are listed at the bottom of this document and are available online at <https://netball.com.au/integrity-policies>. Queries can also be directed to the STNA Office or Member Netball Club Member Protection Information Officers (see below).

The STNA reserves the right to handle disciplinary matters/concerning behaviour that may fall outside of NA policies as they arise. Please also see the STNA Code of Conduct.

DEFINITIONS

See Appendix 1.

SIGNIFICANT ROLES AND RESPONSIBILITIES

Complaint Manager – Ben Jones/proxy Kellie Williams

The Complaint Manager (CM) is the person who receives the complaint and assesses it against the NA Complaint Policy criteria, investigates and communicates with the Complainant, Respondent and anyone else deemed appropriate. Please see below for more detail.

Decision Maker – Kellie Williams/proxy STNA President or Board

The Decision Maker (DM) is the person who will determine what sanction may apply if the Complaint appears to be substantiated and will also be called upon if the Complaint involves child abuse or serious criminal behaviour. See below for more detail

Member Protection Information Officer

The Member Protection Information Officer (MPIO) is the person who can provide information and guidance on complaints procedures. They may be the first point of contact to discuss problems at



club/association level, particularly if considering making a formal complaint. Member Netball Clubs should encourage concerned individuals to approach their MPIO in the first instance.

COMPLAINT PROCEDURE

The following procedure is set out in accordance with the NA Integrity Policy Framework, Conduct & Disciplinary Policy.

Please see Appendix 2 for a flowchart of the below-mentioned procedure.

1. An incident is witnessed that is believed to contravene an Integrity Policy.
2. Any witnesses may wish to speak with their MPIO to discuss available options.
3. If the **Complainant** (or Parent/Guardian if Under 18/vulnerable) chooses to submit a Complaint, this can be done by:
 - a) Submitting the complaint on the official Complaint Form (Appendix 3) to the Complaints Manager (CM) via email. The Form will be returned to the Complainant if incomplete, with advice on how to complete it. The STNA is not obliged to process the Complaint if the form is incomplete; or
 - b) Contacting the Netball Speak Up Hotline on 1800 955 900
4. The CM acknowledges receipt of the Complaint.
5. The CM assesses the Alleged Breach against the Integrity Framework, whether it came via a Complaint, or the STNA becoming aware via other means.
6. If the Complaint is not deemed a Breach, the CM will advise the Complainant in writing identifying the reason/s for the decision. This decision is binding unless new and relevant information becomes available.
7. If the alleged behaviour is deemed to involve child abuse or serious criminal behavior, the Complaint will immediately be referred to NA, NT and Tasmania Police, and Provisional Action will be taken in consultation with the Decision Maker (DM). Provisional Action* may also be taken if the Alleged Breach is deemed serious enough that there is an ongoing risk of substantial harm. The DM has absolute discretion in regard to whether any Provisional Action will be taken.

**Provisional Action may be disputed and will be dealt with by an expedited Hearing Tribunal.*

8. The CM will notify both the Complainant and Respondent (or just the Respondent if the Alleged Breach has arisen in other ways) and commence an **investigation**. This may include written statements, formal interviews, documented phone calls, review of CCTV footage, review of previous complaints and outcomes, or other methods deemed appropriate by the CM. Rules of procedural fairness will apply with both Complainant and Respondent having a reasonable opportunity to be heard.

9. Following an investigation, the CM will make a finding (to the requisite Standard of Proof) on whether the Alleged Breach is:

- a. substantiated;
- b. unsubstantiated;
- c. unable to be substantiated; and

make a determination as to the process to be applied to attempt to resolve the Alleged Breach, through:

- a. Warning Procedure (for minor infractions, particularly if first offence);
- b. Alternative Dispute Resolution (mediation, must be agreed to by both parties);
- c. Breach Offer (see below); or
- d. Hearing Tribunal (see below).

The CM may also at any time refer the matter externally if appropriate.

10. The CM has sole and absolute discretion to determine the chosen process during and after an investigation, but may consult with NA, NT or the DM as required. The CM is also responsible for communicating with the Complainant, Respondent, NA and NT, unless told not to do so by an external referral organisation.

11. If the CM determines the Alleged Breach is likely to be substantiated and a **Breach Offer** is the most appropriate process, they must refer the Alleged Breach to the DM, who will determine the sanction likely to apply if the Breach/complaint was proven AND will also determine a discounted sanction to be offered to the respondent, if any, for an 'early plea' bargain.

12. The CM will issue the **Respondent** with a notice of Breach Offer, which will:

- a) detail the Alleged Breach, including the part or parts of the Netball Integrity Policies that have allegedly been breached;
- b) state the proposed sanction and/or discounted sanction, if applicable (See Appendix 4 for NT Sanction guidelines);
- c) state that the Respondent has a right to a hearing;
- d) state that the Respondent may admit the Alleged Breach, waive their right to a hearing and accept the proposed sanction or discounted sanction (if applicable);
- e) state that if the Respondent does not respond within 14 days of receipt* of the Breach Offer, they will be deemed to have admitted the Alleged Breach, waived their right to a hearing and accepted the proposed sanction;
- f) state that any response to the Breach Offer must be made to the STNA and CM, with contact details of the CM; and
- g) be provided to NA and NT (if applicable).



**A document is taken to have been received if sent by email or other electronic transmission on the date of transmission, or, if hand delivered, on the date of delivery, or, if sent by post, 5 business days after it was sent.*

13. The **Respondent** may, within 14 days:

- a) Admit the Alleged Breach, thereby waiving their right to a Hearing, and accept the proposed Sanction/discounted Sanction;
- b) Dispute the Alleged Breach and/or proposed Sanction, in which case the matter is referred to a Hearing Tribunal; or,
- c) Not respond, in which case they will be deemed to have admitted the Alleged Breach, waived their right to a hearing and accepted the proposed Sanction.

HEARING TRIBUNAL

The Hearing Tribunal may be an ADR body, drawn from any members or professionals as recommended or approved by the STNA Board and MUST be approved by NT. This may include senior STNA members or personnel from other sporting or external bodies as appropriate.

Members of the Hearing Tribunal should not have any actual or perceived conflict of interest.

The CM may at any time refer a matter to a Hearing Tribunal or seek the consent of NA to refer the Alleged Breach to the NST General Division. If NA does not consent to refer the matter to the NST, or the NST cannot deal with the matter, the Alleged Breach returns to a Hearing Tribunal.

The parties to a Hearing Tribunal are the Respondent and Relevant Organisation (STNA/CM).

The Tribunal will determine whether Provisional Action (if taken) is disproportionate (see Point 7), or will arbitrate the Alleged Breach, determine whether a Sanction be imposed, and if so, what Sanction. In this case, the Hearing Tribunal will notify relevant parties of the outcome, including the CM.

All documentation and correspondence will be recorded by the CM in an appropriate electronic register for a minimum of seven (7) years from resolution.

APPEALS

PLEASE NOTE: Appeals involve costs to be paid by the appellant, and the complainant has no right to appeal.

In accordance with the NA Integrity Framework, a respondent or relevant organisation to the complaint has the right to appeal a decision made by the Hearing Tribunal only on the following grounds:

- The Hearing Tribunal failed to abide by this Policy, and such failure resulted in a denial of natural justice; and/or
- No reasonable decision maker in the position of the Hearing Tribunal, based on the information before them, could reasonably make such a decision.

For an Appeal to be valid, it must:



- be submitted within 14 days of receipt of the Hearing Tribunal Decision;
- apply to NA for consent to appeal, stating full Grounds for Appeal (one or both of the two points above);
- be accompanied by the requisite application fee; and,
- Be served with a copy of the 'Application of Appeal' or 'Notice of Appeal'.

The Appeals Tribunal will determine, to the Standard of Proof, whether one or both Grounds of Appeal (as applicable) are proven and must not rehear the matter or the facts of the Alleged Breach. The Appeals Tribunal will:

- a) Dismiss the appeal;
- b) Uphold the appeal;
- c) Impose any of the sanctions under 12.7.2 of the NA Integrity Framework; or
- d) Reduce, increase or otherwise vary any Sanction imposed by the Hearing Tribunal.

The Appeals Tribunal will notify the parties of the decision, after which the CM will finalise the matter by recording the outcomes.

A decision by the National Sports Tribunal (NST) General Division or NA Tribunal is final and binding, with no further rights to appeal.

For further details on Appeals, please refer to the NA Integrity Policy Framework, Conduct & Disciplinary Policy and Tribunal Rules.

COMPLAINTS INVOLVING UNDER 18s

Should a party to the investigation be a member under the age of 18 years, the complaint will be managed as above, but with regard to the following:

- having a support person throughout the process;
- having a parent/guardian involved in any significant decisions;
- The NA Child Safeguarding Policy;
- The Complaint Handling Guide: Upholding the rights of children and young people (National Office for Child Safety); and
- Any Tasmanian or Commonwealth legislation relative to children and young people.

Please refer to STNA Complaint Handling Guidelines for Children, Young and Vulnerable People (currently in draft) for an easier to digest version if required.

CONFIDENTIALITY



All Alleged Breaches and all information disclosed in relation to them will be kept confidential by the STNA and will not be disclosed to third parties except as required under this Policy. Please see Section 9.8 of the Netball Integrity Framework for allowable disclosures.

WITHDRAWING A COMPLAINT

A Complainant may withdraw their Complaint at any time before a finding is made and must notify the Complaints Manager in writing if they wish to do so.

FAILURE TO COOPERATE

Persons bound by the NA Integrity Policies, notably all Netball Member Clubs and Associations affiliated with NT and all Relevant Persons, must cooperate fully with the process chosen to resolve an Alleged Breach.

Failure to do so may result in an adverse inference against the Respondent and is a breach in its own right (see Section 5 of the NA Framework).

RELEVANT POLICIES

- Netball Australia Integrity Policy Framework, Conduct & Disciplinary Policy
- Netball Australia Tribunal Rules
- Netball Australia Safeguarding Children & Young People Policy
- Netball Australia Member Protection Policy
- Netball Australia Code of Conduct
- Netball Tasmania Policies
- Southern Tasmanian Netball Association Bylaws
- STNA Codes of Behaviour
- STNA Complaint Handling Guidelines for Children and Young People (November 2024)
- National Sports Tribunal Legislative Framework
- Complaint Handling Guide: Upholding the rights of children and young people (National Office for Child Safety)



APPENDIX 1

DEFINITIONS

Alleged Breach means an allegation or information that a person has breached a Netball Integrity Policy and includes both a Complaint and a Disciplinary Action.

Alternative Dispute Resolution (ADR) body means a body approved by a Member Organisation (i.e. Netball Tasmania) to conduct Alternative Dispute Resolution under this policy. Can be a Hearing Tribunal.

Appeals Tribunal means the National Sports Tribunal (NST) Appeals Division, the NST General Division or the NA Appeals Tribunal.

Complainant means a person (or persons) who makes a complaint of an Alleged Breach by a Respondent.

Complaints Manager (CM) means the person (or proxy) appointed by the Relevant Organisation (i.e. STNA) to manage Alleged Breaches, who must not be the same person as the Decision Maker for the relevant allegation.

Decision Maker (DM) means the person/persons (or proxy) appointed by the Relevant Organisation to make certain decisions in relation to the resolution of Alleged Breaches, who must not be the same person as the Complaints Manager.

Disciplinary Action means an action brought or proposed to be brought against a Respondent by a Relevant Organisation, alleging one or more breaches. These may arise from the Relevant Organisation becoming aware of allegations, or any information concerning a possible breach, including via a Complaint.

External Referral Organisation means organisations such as law enforcement, government authorities, Sport Integrity Australia, child protection, etc.

Hearing Tribunal means the first instance tribunal, being either the NST Tribunal, NA Tribunal or an ADR body as above.

Member Protection Information Officer (MPIO) means a person who provides information and guidance on complaints procedures. They may be the first point of contact to discuss problems at club/association level, particularly if considering making a formal complaint.

National Sports Tribunal (NST) means the national body that provides independent dispute resolution services to sporting bodies, athletes and sports personnel.

Provisional Action means action taken after referral from the CM with the DM if the Alleged Breach makes allegations concerning child abuse, serious criminal actions, or possible ongoing risk of substantial harm being suffered by one or more persons involved in netball.

Relevant Organisation means the STNA and affiliate Clubs and Committees.



Relevant Person means any of the following – affiliate person, participant, volunteer, non-member person (e.g. parent or spectator), or any other person who has agreed to be bound by the NA Policies and has notified NA.

Respondent means the person who is alleged to have breached a Netball Integrity Policy and is the subject of an Alleged Breach, being either a Relevant Person, Relevant Organisation, or a person/organisation otherwise bound by the Netball Integrity Policies.

Sanction means a sanction imposed on a Respondent for breaching a Netball Integrity Policy. See Appendix 4 for the Netball Tasmania 2024 Sanction Guidelines.

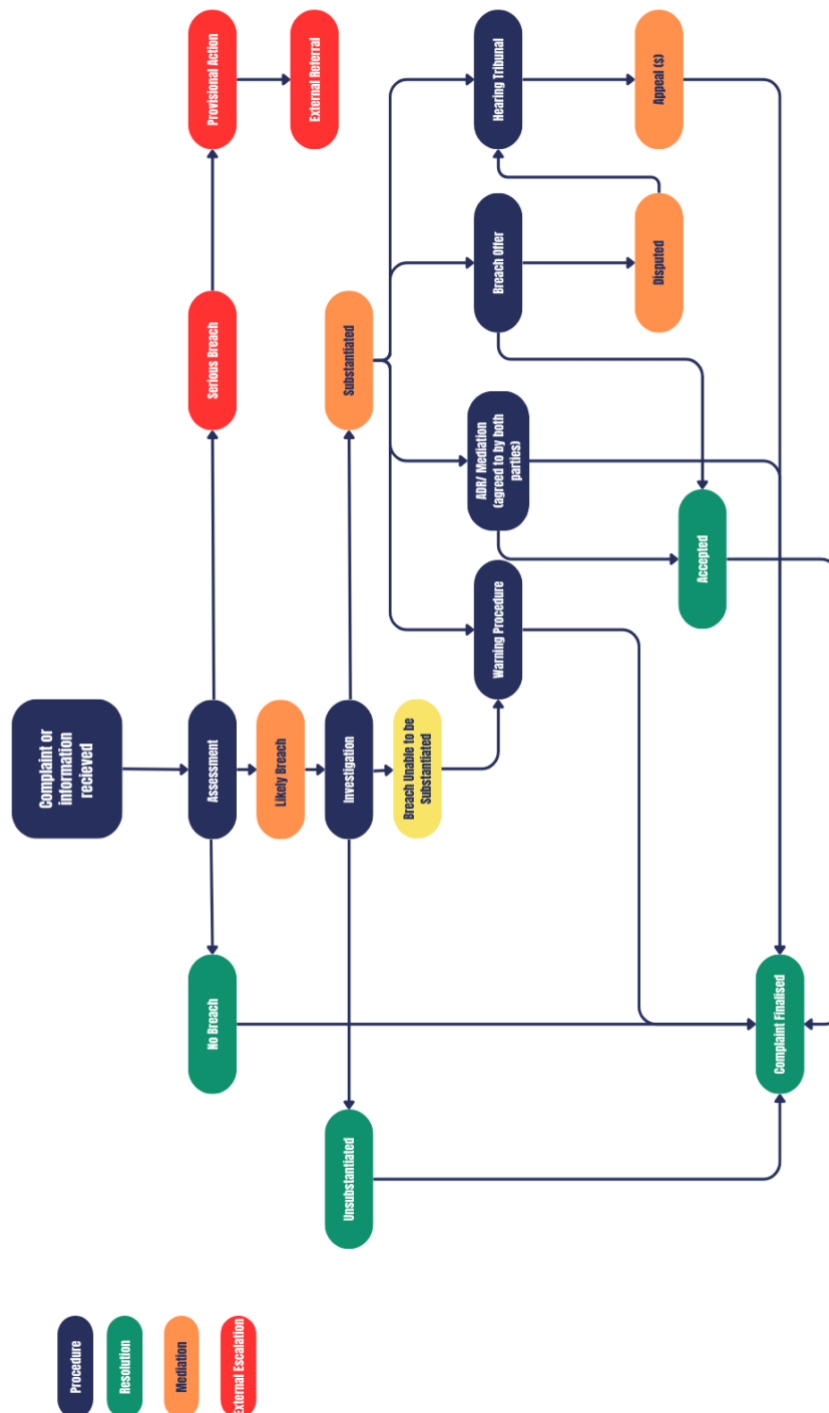
Standard of Proof required for complaints under the NA Integrity Framework is the ‘balance of probabilities’. This proof requires greater certainty for a more serious allegation compared with a less serious allegation.

Support Person means a person or advisor who the Complainant or Respondent may invite to accompany them through the Complaint process, who must not be qualified as a lawyer or barrister.

Warning Procedure means an action taken by a CM if the Alleged Breach is of a minor nature, and, if established, would only likely result in a warning being issued to the Respondent.

APPENDIX 2

PROCEDURAL FLOW CHART





APPENDIX 3

COMPLAINT FORM

Internal Use Only		
Name of person receiving Complaint		Date Complaint Form Received: / /
How was the Complaint received		
Complainant to Complete		
Name of Complainant <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18 <input type="checkbox"/> Don't know	
Complainant's contact details	Phone: Email:	
Complainant's role/position within the Sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Official	<input type="checkbox"/> Board/Committee member <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other (Please Specify)
Name of person complained about (Respondent) <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18 <input type="checkbox"/> Don't know	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Official	<input type="checkbox"/> Board/Committee member <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other (Please Specify)
Date/s of alleged breach/es by Respondent		
Location/s of alleged breach/es by Respondent		



<p>Description of alleged breach by Respondent</p> <p><i>Please provide as much information as possible, including details of who is involved, describe what happened and when, and how you found out about the breach - attach further pages if necessary</i></p>	
<p>Witnesses (if any)</p>	<p>Did anyone else witness this alleged breach by the Respondent?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p> <p>If 'Yes', please list the witnesses and their contact details (if known):</p> <p>1. Name: Phone: Email:</p> <hr/> <p>2. Name: Phone: Email:</p> <hr/> <p>3. Name: Phone: Email:</p>
<p>Level of the Sport at which alleged breach occurred</p>	<p><input type="checkbox"/> NA level where they relate to behaviour, an incident or circumstances that occurred at or involve individuals in Elite Programs or operating at the NA level;</p> <p><input type="checkbox"/> Netball Organisation level where they relate to behaviour, an incident or circumstances that occurred at or involve individuals operating at the Netball Organisation level; or</p> <p><input type="checkbox"/> Affiliate level - where it relates to behaviour, an incident or circumstances that occurred at or involve individuals operating at the Affiliate level (Association/League/Club level).</p>
<p>Eligible policy that Respondent has allegedly breached</p> <p>Sections allegedly breached</p>	
<p>Does Complainant consent to alternative dispute resolution?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Signed by Complainant</p>	<p>Signature:</p> <p>Date:</p>

APPENDIX 4

SANCTIONS

Offence	Sanction	Discounted for Breach Offer
Abuse of an umpire	2 week suspension	1 week suspension
Abuse of a player, coach or spectator	1 week suspension	Written apology
Threatening a player, coach or spectator	4 week suspension	2 week suspension
Threatening an umpire	8 week suspension	4 week suspension
Physically striking an umpire ⁺	2 year suspension	Not applicable
Physically striking a coach or spectator ⁺	12 month suspension	Not applicable
Non-player physically striking a player ⁺	12 month suspension	Not applicable
Player physically striking an opponent*	3 month suspension	1 month suspension
Online bullying or harassment	2 week suspension	Written apology
Intentional deception (e.g. playing under a false name)	2 week suspension	1 week suspension
Failure to cooperate with or hindering an investigation or Hearing	2 week suspension	1 week suspension
Failure to comply with a sanction	2 week suspension	1 week suspension
Relevant organisation failing to cooperate with or hindering an investigation or hearing, or failing to assist in enforcing a sanction	Loss of competition points for one round	Suspended loss of competition points

Notes

* Does not include contact within the game context that could reasonably be dealt with through Game Management procedures

⁺ For these serious offences, it is expected that they will be referred directly to a Hearing Tribunal rather than a Breach Offer being made, and that Netball Tasmania will be consulted during the process.