



BOWLS
NEW ZEALAND

Disciplinary Guidebook

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DISCIPLINARY GUIDEBOOK CONTENTS

Introduction	2
Section One – Process Guidelines for Clubs and Centres	3
1.1 Natural Justice Explained	3
1.2 Conflict of Interest Explained	4
1.3 Judicial Process	5
1.4 Flowchart of Club and Centre Disciplinary Process	8
1.5 Getting your Constitution and Regulations up to date	9
Section Two – Sanction Guidelines	10
2.1 Recommended Sanctions for Misconduct – On Green	11
2.2 Recommended Sanctions for Misconduct – Off Green	12
Appendix One – Model Club Constitution – Disciplinary Rules Extract	13
Appendix Two – Model Disciplinary Regulations for Clubs	15
Appendix Three – Model Centre Constitution – Disciplinary Rules Extract	23
Appendix Four – Model Disciplinary Regulations for Centres	25
Appendix Five – Bowls New Zealand Judicial Regulations	33

INTRODUCTION

The Disciplinary Guidebook has been produced to guide Clubs, Centres and Judicial Committees at all levels of the sport through the disciplinary process.

The purpose of this guidebook is to ensure a consistent system for handling disputes and misconduct is established. Using this guidebook Clubs and Centres can continue to manage their own disputes and misconduct in the first instance. Any appeals would then be handled at Bowls New Zealand level.

It is important that the Principles of Natural Justice are adhered to throughout any disciplinary process. That is:

1. Any person who is accused of a wrongdoing must be given adequate notice of the allegation and a proper opportunity to be heard in his or her defence.
2. The disciplinary committee or executive adjudicating upon the dispute should be careful to keep an open mind and not to reach a decision on the facts until it has heard what the accused person has to say about the complaint or allegation. No attempt should be made to prejudge the matter.
3. The disciplinary committee or executive adjudicating on the dispute should be unbiased and impartial.

The principles of natural justice must be adhered to regardless of the rules included within the applicable Constitution. This point cannot be over emphasised. Most cases that have fallen over in the past have generally been because a club or centre did not follow the principles of natural justice.

The Process Guidelines (Section One) and Sanction Guidelines (Section Two) have been developed to establish consistency in both process and outcome. These should always be read in conjunction with the applicable Constitution and Regulations that the Club or Centre has in place, along with the Bowls New Zealand Disciplinary Regulation.

As a quick reference guide a Flowchart of the Disciplinary Process has been developed (page 8). This is to aid users of the Disciplinary Guidebook in familiarising themselves with the disciplinary process adopted where a Club or Centre has jurisdiction. It is by no means a substitute for the user reading the full text of these Rules and in the event of any inconsistency the text of the Rules prevails.

The current Model rules as published by Bowls New Zealand (Appendix One to Four) relating to Judicial matters are also included. If your Club or Centre does not have an up to date Constitution, then please make the necessary changes as soon as possible.

The Bowls New Zealand Judicial Regulations (Appendix Five) state that all Clubs and Centres should have updated their rules by the 31st December 2020.

The Disciplinary Guidebook will be updated from time to time by the CEO and management of Bowls New Zealand. Please always check that you have the current version before referring to this guidebook.

The Current Disciplinary Guidebook is dated:

12 September 2019

Section One – Process Guidelines for Clubs and Centres

When a Club or Centre receives a dispute or misconduct allegation, the correct process must be followed.

The key points to always remember are:

- 1. ARE WE FOLLOWING THE PRINCIPLES OF NATURAL JUSTICE?**
- 2. ARE WE FOLLOWING THE PROCESS OUTLINED IN OUR CONSTITUTION AND REGULATIONS?**

If the answer is **NO** to either of these questions, at any stage throughout the process, then you will need to **stop** and reassess the process you are using so that you can answer **YES**.

Always keep these two points front of mind when conducting a disciplinary process.

If your club or centre has an up to date constitution and disciplinary regulations (in line with the model produced by Bowls NZ) then you will be able to follow the steps outlined in this document below.

If your club or centre **does not** have an up to date constitution and disciplinary regulations, then you will need to make sure that you follow the process outlined in **your** documentation.

If you are unsure – then please, before progressing any further, get in touch with Bowls New Zealand to ensure that you follow the correct process.

Refer to Section 1.4 on page 9 for more information on getting your Constitution up to date.

1.1 NATURAL JUSTICE EXPLAINED

Before a Club or Centre takes any disciplinary action against a Member, it must, as a matter of law, comply with not only the provisions in its Constitution and Regulations but also, and most importantly, the basic requirements of natural justice.

The principles of natural justice are general principles of fairness for determining a dispute and have long been recognised as part of law. In instances where the principles apply and are not properly observed a Court will require the matter to be considered afresh.

The principles of natural justice apply to Clubs and Centres in the same way they apply to any judicial or administrative body that is required to adjudicate a dispute or other disciplinary matter.

All Clubs and Centres **must** follow the principles of natural justice to ensure all parties involved in a dispute or allegation of misconduct are treated in a **fair and just manner**.

The principles of natural justice are:

- 1. The Club Board (or Other Committee) Hearing the Dispute or Allegation of Misconduct (i.e. the Decision-Maker) must be Unbiased and Impartial**

Essentially, any decision must be made without bias and any decision-maker must approach the matter from a disinterested perspective so there is no impropriety. A decision-maker who is biased (whether actual, imputed or apparent) should be disqualified from hearing the issue, unless the parties agree to the person's continued involvement.

For instance, if any member of the Club / Centre Board (or other committee) hearing a dispute or allegation of misconduct was involved in any way in the factual circumstances which gave rise to the dispute or allegation, or if he or she is particularly close to any of those people involved in the matter, then that member should be disqualified from hearing the matter.

2. The Right to a Fair Hearing

The right to a fair hearing requires that all participants:

- Be given **adequate prior notice of the allegation**. The notice setting out the allegation must be in writing using the relevant form.
- **Disclose and be provided with all relevant material** relating to a decision, including details of the allegations so they can prepare and have the ability to challenge or correct any material at issue.
- Have an **opportunity to be heard**. All parties to a dispute should have the right to be heard by the decision-maker.

The decision-maker(s) must keep an open mind until all parties have been heard. Any irrelevant considerations must also be disregarded by the decision-makers and the actual decision reached must not be absurd or unreasonable.

1.2 CONFLICT OF INTEREST EXPLAINED

The principles of natural justice require the committee to be unbiased and impartial. It is therefore imperative that any potential conflicts of interest are declared, and the member removed from any further participation in the matter.

1. Potential conflicts of interest should always be declared in general meetings, committee meetings and judicial meetings, and a member should refrain from participating in or influencing debate at any such meeting when actual or potential (perceived) conflicts of interest arise.
2. If a member has any personal or financial interest in matters being debated or considered, then that member may be actually or potentially biased and should not participate in the debate or decision-making.
3. In the case of a judicial matter the person with the identified conflict should completely withdraw from the committee. If this policy is not followed, then the decision or action may be subject to an appeal to overturn the disputed decision.
4. Some illustrations of conflict of interest include but not limited to:
 - a. The meeting discusses an incident by a member who is a relative or close friend of a meeting participant;
 - b. A disciplinary hearing is conducted, and a meeting participant is the complainant, the subject of the complaint, a witness to events relevant to the complaint, or a relative or close friend of a party to the complaint;
 - c. Decisions are made to be specifically affecting the meeting participant or a close relative or close friend of that person, for instance receipt of an award etc.

5. Bowling Clubs have a clear obligation at any meetings to ensure that conflicts of interest, bias and predetermination are properly managed if challenges to decisions are to be avoided.
6. Where a member declares an interest the member must neither participate in or seek to influence the debate or vote, and the minutes should record that, "Y declared an interest in this item of business and neither participated in nor voted on it," and it is good practice to have the interested party leave the room to avoid any accusations of exercising a possible influence on the decision-makers by remaining in the room.
7. If there is debate as to whether a conflict of interest is real or not, then it is best to take a cautious approach and have the conflict recorded.
8. Given the nature of bowling clubs where strong friendships develop and "everyone knows everyone" the conflict of interest piece can cause difficulties. However, this is not an excuse to ignore it. In some cases, it may require the club to look outside its own members to form a judicial committee. Other clubs, your Centre, or Bowls New Zealand will be able to supply suitably qualified people to hear the dispute if this is the case.

1.3 JUDICIAL PROCESS

It is vitally important that you follow the process set down in your constitution and regulations – and always adhering to the principles of natural justice.

If at any stage, you are unsure about any aspect of the process then have a discussion with Bowls New Zealand. It is better to stop and assess, rather than find out later that you haven't followed the correct process.

In most cases the following process can be followed (also refer to the flowchart on page 8):

1. When a complaint is received, complete a preliminary assessment to determine the seriousness of the issue.
 - a. A senior member of the Board / Committee or a Club / Centre Manager should undertake this process. You must ensure that the person appointed will be impartial and unbiased in line with the principles of natural justice (also note point 7d. below).
 - b. In many cases a dispute can be resolved through communication between parties. It may just take a simple apology or conversation with the relevant parties to resolve the issue. Complete a written summary for the records and close the file.
 - c. It is at this point that any frivolous and or vexatious complaints can be stopped. But bearing in mind, that if the complainant is determined to continue with their issue then they must be given the opportunity to do so.
 - d. If the issue cannot be resolved with this type of intervention, or the complainant wants to take the matter further, then a full written complaint must be made.
 - e. Natural Justice – it is imperative that this attempt for a low-level resolution still follows the principles of natural justice. The complainant should not feel like they are being forced to drop their complaint or reach a resolution that they are not comfortable with.
2. If a written complaint is received in the format prescribed by the Club / Centre Constitution and Regulations and cannot be resolved by a low-level intervention (point 1 above), then you must progress with a formal process.

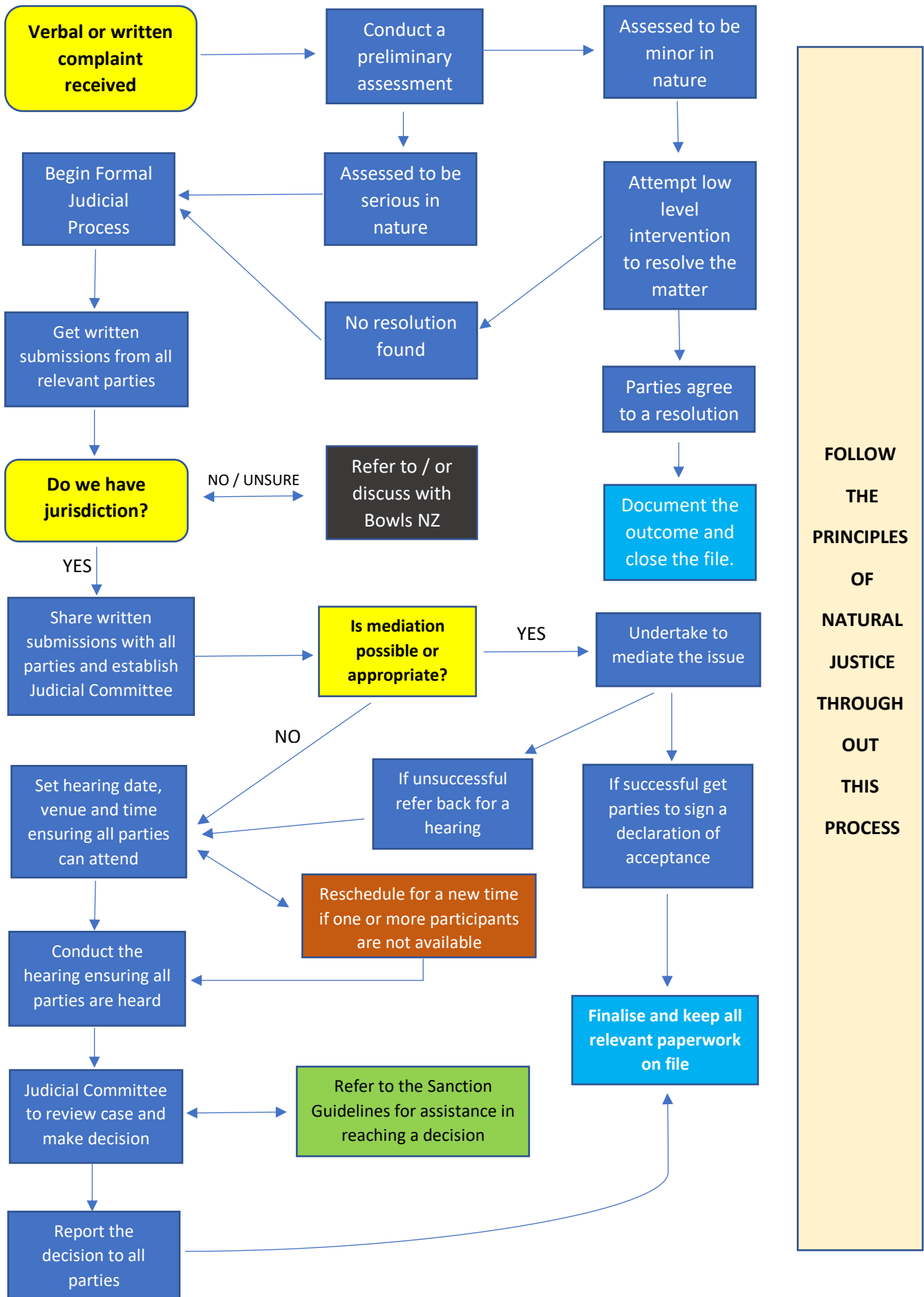
- a. Make sure the written complaint clearly outlines the issue and it is in the correct format.
 - b. If it is not, send it back and request the necessary changes be made.
3. On receipt of the written complaint, confirm that you have jurisdiction to hear the complaint?
 - a. By referring to the Constitution you should be able to establish this.
 - b. If you are unsure then discuss with Bowls New Zealand.
4. Once jurisdiction is established double check that the correct paperwork has been completed.
5. The other party must then be given the opportunity to respond to the allegation in writing.
 - a. They should be given a copy of the original written complaint.
6. All parties involved should receive all the documentation so that everyone is fully informed.
 - a. Therefore, the response to the complaint should be also given to the original complainant.
 - b. If additional paperwork is received at a later date, then this should also be circulated to all parties.
7. Mediation – it may be possible, depending on the nature of the complaint to enter a mediation phase.
 - a. If all parties agree, then in some cases the issue can be resolved without the need for a formal hearing.
 - b. Determine who from the club / centre should undertake the mediation (refer to natural justice principles) and note point 7d. below.
 - c. If at any stage through this process, one or more of the parties decide they want to proceed with a formal hearing then this must happen.
 - d. The person who conducts the mediation on behalf of the club / centre can then **not** sit on the judicial committee to hear the matter.
 - e. If the matter is concluded through mediation, the outcome should be documented with the parties signing a declaration to the agreement.
8. If mediation is not successful or not held, a Judicial Committee will need to be established. The formation of this committee is outlined in your Constitution and Regulations.
 - a. Make sure that those appointed are unbiased and impartial to the case. If there is any chance of a conflict of interest being established, then that person should not be appointed to the committee (refer to 1.2 Conflicts of Interest Explained, page 4).
9. Set up a hearing date, providing the required notice period to all parties. If one or more of the parties cannot attend, then attempts should be made to reschedule the hearing to a time when everyone can attend. It is critical that all participants have an opportunity to be heard and receive a fair hearing (natural justice).
 - a. Whilst there is no set criteria, it is recommended that at least three attempts are made to schedule a hearing. There is allowance in the Model Regulations for a matter to be heard on the papers alone, but this should be avoided if possible.

- b. The notice of hearing must:
 - i. Be in writing.
 - ii. State whether the parties are required to appear in person or whether the matter will be determined on the papers (**Note:** given the Natural Justice requirements, in most cases the parties should be asked to attend).
 - iii. State whether the matter is a Dispute or an allegation of Misconduct, the possible penalties and the date, place and time of the hearing.
10. Hold the hearing. Provide opportunity for all participants to be heard. They should be given adequate time to present their information.
 - a. Provide time for questions
 - b. The judicial committee needs to be satisfied that they have heard and received all the relevant information from all parties.
11. At the conclusion of the hearing the judicial committee should then review the case and reach a decision:
 - a. Making sure the principles of natural justice have been met and the process as outlined in the Constitution and Regulations have been followed. If not, then some of the above steps may need to be repeated.
 - b. If the complaint is upheld, then the Sanction Guidelines (Section Three) should be used to determine a suitable punishment.
 - c. The decision should then be communicated to the parties – verbally, as soon as possible, and then in writing once the case can be written up. The parties should also be informed of their appeal rights.
 - d. If a club decision, then the Centre will need to be informed (who in turn will notify Bowls NZ); of if a Centre decision, then Bowls NZ will need to be informed.
 - e. The relevant body (i.e. the Centre and /or Bowls New Zealand) will then inform the bowls community as may be required in the Constitution.
12. All members then have a right of appeal. In most cases this will be to the Bowls New Zealand Judicial Committee.
13. If the appeal is to be heard by the Bowls New Zealand Judicial Committee, then they will follow a similar process to that outlined above and in line with the Regulations of Bowls New Zealand.
14. Records: The Club / Centre Board shall keep records of all proceedings, including all investigations and decisions.

Remember the key points:

1. **ARE WE FOLLOWING THE PRINCIPLES OF NATURAL JUSTICE?**
2. **ARE WE FOLLOWING THE PROCESS OUTLINED IN OUR CONSTITUTION AND REGULATIONS?**

1.4 FLOWCHART OF CLUB AND CENTRE DISCIPLINARY PROCESS



1.5 GETTING YOUR CONSTITUTION AND REGULATIONS UP TO DATE

Every Bowls Club and Centre in New Zealand is guided by a Constitution and set of Regulations. It is important that these are kept up to date.

Bowls New Zealand issued a template Constitution for both Clubs and Centres in October 2013. If the last major changes to your Club or Centre Constitution were made prior to this date, then it is likely that it will need to be updated.

The best way to check is one of two ways:

1. If your club / centre is registered as a Incorporated Society then you can visit www.societies.govt.nz and conduct a register search. Either type in the name of your club / centre or type in the applicable incorporated societies number.

***TIP:** If the organisation you are searching for does not appear remember that sometimes the name of the club / centre is slightly different to what you think. E.g. it might start with THE such and such Bowling Club; or it might be Bowls instead of Bowling.*

Once you have found the organisation you are looking for then you will see a list of registered documents. These should include all annual accounts (make sure these are up to date while you are there!) and any changes made to your constitution. Scroll down the list to find the most recent changes to your constitution. If you have to scroll down quite far, then it might be time for an update!

Remember – this is the official record of Constitutions. So, if you think you have done an update, but it is not here, then that update is not valid and will need to be done again. Changes are not final until registered with Incorporated Societies.

2. Some clubs / centres have registered with the Charities Commission. If this is the case, then you can visit www.charities.govt.nz and conduct a register search. Click on the applicable organization and then click on 'charity documents' to find a copy of the Constitution.

Regulations are not held by either of the above two agencies as these documents belong to the club. They can be changed and updated as the Board / Executive committee see fit and do not need to be officially registered or indeed changed via an AGM / SGM as is the case with a constitution.

Appendix 2-5 show the model clauses that clubs / centres should include in their Constitution and Regulations.

The Bowls New Zealand website – www.bowlsnewzealand.co.nz – has the full template documents that can be used to get your documents up to date. Simply look under the “key documents” section in “About Us”.

Section Two – Sanction Guidelines

The following guidelines should be used in conjunction with the relevant Constitution and/or Regulations when determining a sanction for a misconduct incident.

The Regulations should state the broad terms that must be met when issuing a sanction. For example, the Model Club Disciplinary Regulations state:

Orders: *The Club Board may make such orders as it considers appropriate to give effect to its decision, including imposing any of the following sanctions:*

- a. a reprimand or warning;*
- b. suspension or termination from such activities of the Club including events, competitions, tournaments, meetings, and functions, on such terms and for such period as it thinks fit;*
- c. suspension or termination of the person’s membership of the Club;*
- d. fines, imposed in such manner and in such amount as the Club Board thinks fit;*
- e. such other penalty as the Club Board considers commensurate with the offence; and/or*
- f. such combination of any of the above penalties as the Club Board thinks fit.*

When reaching a decision, it must fit the stated criteria.

The Recommended Sanctions take the above a step further using specific examples that a Judicial Committee can use when determining a sanction. The range used is defined as:

Low-end	Mid-range	Top-end	Maximum
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The judicial committee should first decide the seriousness of the offence using this range scale. Once this has been decided the actual sanction can be determined.

The recommended sanctions are for offences that warrant a suspension of membership. If the offence is at a level that does not warrant suspension in the opinion of the Judicial Committee, then a warning or fine would be appropriate.

Additional Considerations

In reaching a decision the Judicial Committee should also consider the following factors:

1. **Time of year:** A 4-week suspension at the end of the season has different implications to a 4-week suspension in the heart of the season.
2. **History:** Does the person have a history of misconduct that needs to be considered?
3. **Remorse / acknowledgement of guilt:** Has the person acknowledged their wrongdoing and taken steps to apologise and remedy the situation?
4. **The effect of the suspension:** Be specific in the determination as to whether the suspension applies to the Club only, Centre only or all bowls. If this is not specific, then the default suspension in line with the Bowls New Zealand Constitution is that a suspension applies to **ALL** bowls throughout New Zealand.

2.1 RECOMMENDED SANCTIONS FOR MISCONDUCT – ON GREEN

Breaches any provision of the Laws of the Sport			
Low-end: 1-3 weeks	Mid-range: 4-10 weeks	Top-end: 11+ weeks	Maximum: 52 weeks
Deliberately loses or attempts to lose a Game of Bowls or plays unfairly			
Low-end: 1-3 weeks	Mid-range: 4-10 weeks	Top-end: 11+ weeks	Maximum: 52 weeks
Alters a bowl after it has been stamped by a registered bowls tester without submitting it for retesting and restamping			
Low-end: 1-3 weeks	Mid-range: 4-10 weeks	Top-end: 11+ week	Maximum: 52 weeks
Uses any profane, indecent or improper language			
Low-end: 1-3 weeks	Mid-range: 4-12 weeks	Top-end: 13+ weeks	Maximum: 52 weeks
Engages in offensive or insulting behaviour towards Bowls NZ, any Centre, Club or any member of any Centre or Club, or any person acting for or on behalf of Bowls NZ, a Centre or a Club			
Low-end: 1-3 weeks	Mid-range: 4-12 weeks	Top-end: 13+ weeks	Maximum: 52 weeks
Acts in a manner which brought, or could bring, Bowls NZ, any Centre or any Club into disrepute			
Low-end: 1-3 weeks	Mid-range: 4-12 weeks	Top-end: 13+ weeks	Maximum: 52 weeks
Disrespecting the authority of a Match Official			
Low-end: 1-3 weeks	Mid-range: 4-6 weeks	Top-end: 7+ weeks	Maximum: 52 weeks
Verbal abuse - Match Official. Verbal abuse includes, but is not limited to, abuse based on: religion, colour, national or ethnic origin, sexual orientation			
Low-end: 6 weeks	Mid-range: 12 weeks	Top-end: 18+ weeks	Max: 52 weeks
Verbal abuse - General. Verbal abuse includes, but is not limited to, abuse based on: religion, colour, national or ethnic origin, sexual orientation			
Low-end: 6 weeks	Mid-range: 12 weeks	Top-end: 18+ weeks	Max: 52 weeks
Physical contact - Match Officials			
Low-end: 6 weeks	Mid-range: 12 weeks	Top-end: 18+ weeks	Max: 52 weeks
Threatening actions or words - Match Officials			
Low-end: 12 weeks	Mid-range: 24 weeks	Top-end: 48+ weeks	Max: 260 weeks
Physical abuse - Match Officials. Physical abuse includes but is not limited to: Punching or striking with hand or arm; Striking with head; Striking with knee; kicking; spitting; biting; hair pulling.			
Low-end: 24 weeks	Mid-range: 48 weeks	Top-end: 96+ weeks	Max: Life
Physical abuse - General. Physical abuse includes but is not limited to: Punching or striking with hand or arm; Striking with head; Striking with knee; kicking; spitting; biting; hair pulling.			
Low-end: 2-6 weeks	Mid-range: 7-15 weeks	Top-end: 16+ weeks	Maximum: life
Aids or abets any of the conduct specified above			
Low-end: 1-3 weeks	Mid-range: 4-12 weeks	Top-end: 13+ weeks	Maximum: 52 weeks

2.2 RECOMMENDED SANCTIONS FOR MISCONDUCT – OFF GREEN

Uses any profane, indecent or improper language at any event, function or activity of Bowls NZ, or of any Centre, or of any Club			
Low-end: 1-3 weeks	Mid-range: 4-10 weeks	Top-end: 11+ weeks	Maximum: 52 weeks
Engages in offensive or insulting behaviour towards Bowls NZ any Centre, Club or any member of any Centre or Club, or any person acting for or on behalf of Bowls NZ, a Centre or a Club			
Low-end: 1-3 week	Mid-range: 4-10 weeks	Top-end: 11+ weeks	Maximum: 52 weeks
Acts in a manner which brought, or could bring, Bowls NZ, any Centre or any Club into disrepute			
Low-end: 1-3 weeks	Mid-range: 4-12 weeks	Top-end: 13+ week	Maximum: 52 weeks
Verbal abuse. Verbal abuse includes, but is not limited to, abuse based on: religion, colour, national or ethnic origin, sexual orientation			
Low-end: 6 weeks	Mid-range: 12 weeks	Top-end: 18+ weeks	Max: 52 weeks
Threatening actions or words – Towards Club / Centre / Bowls NZ Officials or representatives			
Low-end: 12 weeks	Mid-range: 24 weeks	Top-end: 48+ weeks	Max: 260 weeks
Physical abuse. Physical abuse includes but is not limited to: Punching or striking with hand or arm; Striking with head; Striking with knee; kicking; spitting; biting; hair pulling			
Low-end: 2-6 weeks	Mid-range: 7-15 weeks	Top-end: 16+ weeks	Maximum: life
Theft of money, property or other belongings of a Club, Centre, Bowls New Zealand or other			
Low-end: 1-4 weeks	Mid-range: 5-12 weeks	Top-end: 13+ weeks	Maximum: life
Damage to property, fixtures and fittings of a Club, Centre, Bowls New Zealand or other			
Low-end: 1-3 weeks	Mid-range: 4-10 weeks	Top-end: 11+ weeks	Maximum: life
Breaches any provision of the Constitution, or the constitution of any Centre or Club			
Low-end: 1-3 weeks	Mid-range: 4-10 weeks	Top-end: 11+ weeks	Maximum: 52 weeks
Breaches any Regulation (other than the Bowls NZ Anti-Doping Regulation or the Bowls NZ Anti-Match Fixing Regulation), by-laws or other rules (however described) of any Centre or Club			
Low-end: 1-3 weeks	Mid-range: 4-10 weeks	Top-end: 11+ weeks	Maximum: 52 weeks
Breaches any policies of Bowls New Zealand, a Centre or a Club			
Low-end: 1-3 weeks	Mid-range: 4-10 weeks	Top-end: 11+ weeks	Maximum: 52 weeks
Breaches any decision of a General Meeting, the Bowls New Zealand Board or a Judicial Committee or any decision of any equivalent bodies at any Centre or Club			
Low-end: 1-3 weeks	Mid-range: 4-10 weeks	Top-end: 11+ weeks	Maximum: 52 weeks
Fails or refuses, for a period of one calendar month to pay any fine or monetary penalty imposed by Bowls NZ, a Centre and/or a Club – Equals automatic suspension until fine is paid plus:			
Low-end: 1-3 weeks	Mid-range: 4-8 weeks	Top-end: 9+ weeks	Maximum: Indefinite
Aids or abets any of the conduct specified above			
Low-end: 1-3 weeks	Mid-range: 4-12 weeks	Top-end: 13+ weeks	Maximum: 52 weeks

Appendix One: Model Club Constitution – Disciplinary Extract

The following is an extract from the Model Constitution for Clubs. To view the full document please visit www.bowlsnewzealand.co.nz and go to the ABOUT US section and then KEY DOCUMENTS. Your club constitution should be up to date with the model constitution. If it is not, please take steps to update your constitution as soon as possible.

PART V – DISCIPLINE FOR MISCONDUCT & DISPUTES

22. Discipline

22.1 **Jurisdiction of the Board:** Subject to Rule 22.3 (Jurisdiction of the Bowls NZ Judicial Committee) and in accordance with the Club Regulations, the Board has jurisdiction to hear and determine Disputes and Misconduct at Club Level. For the purposes of this Rule the Board includes any sub-committee of the Club, including a judicial committee established by the Board in accordance with Rule 17.3h (Powers of the Board).

22.2 **Composition of Club Judicial Committee:** If the Board establishes a judicial committee to assist it to hear and determine Disputes and Misconduct at Club Level in accordance with Rule 22.1 (Jurisdiction of the Board), such Club judicial committee shall comprise not less than three persons appointed by the Board. Each member of the Club judicial committee shall not be an employee of the Club or a person who has an interest in the matter before the Club judicial committee. At least one of the members must have legal experience, and the others should, if possible, have one or more of the following competencies:

- a. a person with significant experience in disciplinary tribunals, preferably in relation to bowls; and/or
- b. a person with extensive knowledge of the Game of Bowls.

The Board shall appoint one of the members of the Club judicial committee to act as the chairperson of the Club judicial committee. The quorum for all meetings of the Club judicial committee shall be three persons.

22.3 **Jurisdiction of the Bowls NZ Judicial Committee:** In accordance with the Bowls NZ Constitution and/or the Bowls NZ Regulations, the Bowls NZ Judicial Committee has jurisdiction to hear and determine:

- a. Disputes and Misconduct at National Events, unless already heard in accordance with any applicable event rules;
- b. Disputes and Misconduct at International Level, unless already heard in accordance with applicable event rules;
- c. other Disputes and Misconduct involving Bowls NZ Members:
 - i. that are not within the jurisdiction of a Club, Centre, the Bowls NZ Board and/or Regional Judicial Committee; or
 - ii. where the parties agree in writing; and
- d. any jurisdictional issues regarding Disputes and Misconduct.

22.4 **Procedure:** The relevant body in this Rule 22 (Discipline) shall take such action as it considers appropriate provided it acts in accordance with the principles of natural justice and any applicable regulations.

23. **Appeal Process**

23.1 **Process:** The appeal process for appeals of decisions involving Misconduct or a Dispute shall be as follows:

- a. **Appeal to the Bowls NZ Judicial Committee:** Where there is a Dispute or Misconduct at Club Level which is decided by the Board (or committee on its behalf), any party affected by that decision may **only** appeal such decision to the Bowls NZ Judicial Committee in accordance with the Bowls NZ Regulations.
- b. **Appeal to Sports Tribunal:** Where there is a Dispute or Misconduct which is decided by the Bowls NZ Judicial Committee under Rules a and b, any party affected by that decision may **only** appeal such decision to the Sports Tribunal in accordance with the Rules of the Sports Tribunal provided the rules of the particular event do not require otherwise.
- c. **No appeal right:** There shall be no right of appeal from a decision of the Bowls NZ Judicial Committee under Rules c and d.

23.2 **Procedure:** In deciding any appeal under Rule 23.1a, the Bowls NZ Judicial Committee shall adhere to the principles of natural justice and any applicable Regulations.

23.3 **Stay of Execution:** Pending the determination of an appeal before it, the Bowls NZ Judicial Committee or Sports Tribunal may grant a stay of execution of the decision which is being appealed.

Appendix Two: Model Disciplinary Regulations for Clubs

The following is the Model Disciplinary Regulations for Clubs. Your club should adopt these Regulations to support your Club Constitution. If it has not, please take steps to update your Regulations as soon as possible.

Disciplinary Regulation for Clubs

1. Purpose and Status of Regulation

- 1.1 The purpose of this Regulation is to set out the procedure for determining Disputes and Misconduct at Club Level.
- 1.2 This Regulation was adopted by the Club Board, in accordance with the Constitution on [date].

2. Commencement Date

- 2.1 This Regulation shall come into force on [date] (“Commencement Date”). It shall continue in force until such time as it is revoked by the Club Board.

3. Interpretation

- 3.1 Every reference to the Constitution shall mean the Club Constitution unless specified otherwise.
- 3.2 The words and phrases used in this Regulation shall have the same meaning as defined in the Constitution of [name of Club], unless otherwise specified in this Regulation.
- 3.3 In addition to clauses 3.1 and 3.2 of this Regulation, the following words and phrases used in this Regulation shall mean as follows:

“**Club Board**” means the body that is responsible for the governance and management of the Club and includes any sub-committee of the Club, including a judicial committee. Any club judicial committee established by the Club Board shall comprise not less than three persons appointed by the Club Board who shall have the competencies as set out in the Constitution.

“**Proceeding**” means any proceeding brought under this Regulation.

4. Application of Regulation and Amendment

- 4.1 **Application:** This Regulation applies to all Club Board Members, Members, Appointed Personnel and Officers.
- 4.2 **Amendment:** This Regulation may be amended by the Club Board, in accordance with the Constitution, provided such amendments are not inconsistent with the Constitution.

5. Club Board

- 5.1 **Disciplinary Functions of the Club Board:** In accordance with the Constitution, the Club Board shall:
 - a. hear and determine any allegation of Misconduct made to it under the Constitution;
 - b. hear and determine any Dispute made to it under the Constitution;
 - c. follow the procedure to determine any allegation of Misconduct or any Dispute in accordance with clause 8 (Procedure); and
 - d. generally take all steps necessary or desirable to achieve the purposes of this Regulation.
- 5.2 **Conflicts and Confidentiality:** All information received by the Club Board in accordance with this Regulation, and its deliberations, shall be kept confidential except to the extent required by law. Any Club Board Member who considers s/he may have a potential conflict of interest in determining a disciplinary matter in accordance with this Regulation shall declare that potential conflict of interest to

the Chair and if the Chair considers it appropriate to do so, s/he may require that member to vacate their position on the Club Board. If the Chair considers s/he may have a potential conflict of interest, he or she shall notify the Club Board and if the Club Board considers it appropriate to do so, it may require the Chair to vacate their position on the Club Board.

- 5.3 **No Personal Liability:** No Club Board Member will be liable for any act done or omitted to be done by a Club Board Member in good faith pursuance or intended pursuance of the functions, duties, powers or authorities as specified in this Regulation.

6. Proceedings

- 6.1 **Commencement of Proceedings:** An application under this Regulation shall be commenced by a person alleging the Dispute or Misconduct (under clause 5.1a or clause 5.1b) filing the prescribed form (Form 1) and submitting it to the Club Board as soon as possible but no later than 14 days after the Dispute or alleged Misconduct occurred.
- 6.2 **Exception:** The Club Board, in its discretion, may accept an allegation after 14 days if exceptional circumstances, as determined by the Club Board, exist.

7. Service

- 7.1 **Service:** Every document which is filed with the Club Board shall also be served on all other parties in the Proceeding (including Interested Parties) at the address for service notified by that party in its documents in the Proceedings. If an Interested Party has not notified such an address, service shall be at the last known address of that party.
- 7.2 **Delivery:** Documents to be filed with the Club Board, or served on another party, shall be sent by post, courier, email, facsimile or delivered in person.

8. Procedure

- 8.1 **Notice of Hearing:** Prior to the commencement of any hearing, the Club Board shall ensure all parties in the Proceeding are provided with at least 7 days' notice of the hearing, unless the Club Board considers the matter must be determined urgently in which case it may vary the notice requirements in this clause. The notice of hearing must:
- a. Be in writing.
 - b. State whether the parties are required to appear in person or whether the matter will be determined on the papers.
 - c. State whether the matter is a Dispute or an allegation of Misconduct, the possible penalties and the date, place and time of the hearing.
- 8.2 **Procedure:** Except as provided for in the Constitution or this Regulation, the Club Board may determine its own practices and procedures for performing the functions specified in this Regulation and may prescribe or approve forms for the purposes of any Proceeding. The Chair shall explain the procedure to all those present at the hearing.
- 8.3 **Preliminary Matters:** Preliminary matters may be heard and determined by the Club Board as it thinks fit.
- 8.4 **Interested Party:** The Club Board may, either on its own motion or on the application of a person whom the Club Board determines has sufficient interest in the matter, add a further person or persons as parties to a Proceeding, or allow a person or persons to make submissions or provide evidence in any Proceeding. If this occurs, that person(s) will be bound by these Regulations as if that person(s) was a party to the Proceeding.
- 8.5 **Absence:** If any party is absent or fails to make submissions the Club Board may, in its discretion, make a decision in their absence or grant an adjournment. Before making a decision in the absence of any

party, the Club Board must be satisfied that the person concerned had been notified of the hearing in accordance with this Regulation.

- 8.6 **Hearing:** The hearing shall take place as soon as practicable and may be held in person, telephone or video conference or by consideration of written submissions as determined by the Club Board. At the hearing all parties, including Interested Parties and witnesses (if any), shall be given an opportunity to be heard.
- 8.7 **Power to Inquire and Direct:** The Club Board shall have the power to inquire into the subject-matter of any Proceeding in accordance with this Regulation. For the purposes of any inquiry, the Club Board, or any person authorised in writing by it may:
- a. inspect and examine any papers, documents, records or items;
 - b. require any party or person bound by this Regulation, and request any other person, to produce for examination any papers, documents, records or things in that person's possession or under that person's control and to allow copies of or extracts from any such papers, documents or records to be made;
 - c. require any party or person bound by this Regulation, and request any other person, to provide, in a form approved by or acceptable to it, any information or particulars that may be required by it, and any copies of or extracts from any such papers, documents or records;
 - d. in respect of any Proceeding, hear evidence; and
 - e. make such inferences and draw such conclusions as it considers appropriate from the failure by any person or party to comply with any requirement made by the Club Board under this clause 8.7.
- 8.8 **Natural Justice:** The Club Board shall, in all matters, observe the principles of natural justice.
- 8.9 **Filing Fee:** The Club Board may, by resolution, set a filing fee for any Proceeding to be heard before the Club Board. The Club Board may, in its discretion, waive all or part of any fee if it considers appropriate to do so.
- 8.10 **Evidence in Proceedings:** The Club Board may:
- a. receive as evidence any statement, document, information, or matter that may, in its opinion, assist it to deal effectively with the matters before it, whether or not the same would be admissible in a court of law;
 - b. take evidence on oath, and for that purpose any Club Board Member may administer an oath; and
 - c. permit a person appearing as a witness before it to give evidence by tendering a written statement and, if the Club Board thinks fit, verifying it by oath.
- 8.11 **Representation:** The parties, including any Interested Party, may be represented or assisted in the Proceeding by a person of their choice.
- 8.12 **Minors:** A person who has not attained the age of 18 years, (referred to in this Regulation as a "Minor") may be a party to, and shall be bound by a Proceeding before the Club Board as if the Minor were a person of full age and capacity. Where a Minor is a party to any Proceeding, the Club Board may, if the Minor agrees and it considers it would be in the interests of the Minor to do so, at any time appoint a person to represent the Minor. The Minor shall be responsible for any costs incurred as a result of such representation.
- 8.13 **Applicable Law:** All Proceedings shall be determined according to the laws of New Zealand.

8.14 **Decisions:**

- a. A decision of the Club Board in any Proceeding shall be made by majority decision of the Club Board Members hearing the Proceeding.
- b. In the event there is no majority decision of the Club Board Members hearing the Proceeding, the Chairperson shall decide the matter.
- c. The Club Board may, in its discretion, give an oral decision, but shall also issue a written decision with reasons as soon as expedient.
- d. The Club Board may also make non-binding recommendations to a Club, a Club, or any other party of any Proceeding.
- e. Any decision of the Club Board made under this Regulation shall be enforceable, by any party to the Proceeding in which the order is made, in the courts of New Zealand under the law of contract.

8.15 **General:** Where any matter is not otherwise provided for in this Regulation, the Club Board shall have jurisdiction to make such orders or give such directions as it considers to be consistent with the just, speedy, and inexpensive determination of the Proceeding.

8.16 **Mediation:** The Club Board may, if requested by the parties, or on its own violation, order that the substantive issue in a Proceeding, or any sub-issue, be mediated before an independent person.

8.17 **Records:** The Club Board shall keep records of all Proceedings, including all investigations and decisions.

8.18 **Costs:** Unless otherwise determined by the Club Board, every party and person involved in any Proceeding shall bear their own costs.

9. **Club Board Orders**

9.1 **Orders:** The Club Board may make such orders as it considers appropriate to give effect to its decision, including imposing any of the following sanctions:

- a. a reprimand or warning;
- b. suspension or termination from such activities of the Club including events, competitions, tournaments, meetings, and functions, on such terms and for such period as it thinks fit;
- c. suspension or termination of the person's membership of the Club;
- d. fines, imposed in such manner and in such amount as the Club Board thinks fit;
- e. such other penalty as the Club Board considers commensurate with the offence; and/or
- f. such combination of any of the above penalties as the Club Board thinks fit.

10. **Appeals**

10.1 **Appeal to the Bowls NZ Judicial Committee:** Any Member who is subject to a decision of the Club Board under this Regulation, may appeal the decision to a Regional Judicial Committee in accordance with the Bowls NZ Regulations.

Appendices of Forms

Reference	Explanation
Form 1	Application for Proceedings to be Heard by the Club Board

**APPLICATION FOR PROCEEDINGS
TO BE HEARD BY THE CLUB BOARD**

1. Details of Applicant

Name	TITLE	FIRST NAME	SURNAME
Postal Address	STREET		SUBURB
	CITY	POSTCODE	

Contact Person for this Application

Name	TITLE	FIRST NAME	SURNAME
Position			
Telephone	WORK	MOBILE	
Facsimile	WORK		
Email			

2. Details of Representative (if applicable)

Please insert the details of your legal representative or other person, if any, who will be representing you in these Proceedings.

Name of Representative	TITLE	FIRST NAME	SURNAME
Firm/Company			
Postal Address	STREET		SUBURB
	CITY	POSTCODE	

3. Alleged Dispute or Misconduct

(a) Give details of the alleged Dispute or Misconduct.

[Redacted area for details of the alleged Dispute or Misconduct]

(b) Summarise the evidence which will be produced in support of the alleged Dispute or Misconduct (the summary will not prevent further evidence being brought in accordance with any direction given by the Club Board).

[Redacted area for summary of evidence]

4. Result Sought

Please supply the outcome sought in accordance with the applicable rules/policies.

[Redacted area for result sought]

5. Authority

Name

TITLE

FIRST NAME

SURNAME

Signed

Position

Date

Filing and Service Instructions

1. This application should be signed and filed with the Club Board at the address given below.
2. Where possible, a summary of the evidence to be brought in support of the allegations and a copy of documents evidencing the allegation should be attached.
4. The Applicant is to personally serve a copy of this application and attachments on the Respondent as soon as practical after the original has been filed with the Club Board and provide confirmation of this to the Club Board.

[insert postal address of Club]

Phone: [insert]

Fax: [insert]

Email: [insert]

Appendix Three: Model Centre Constitution – Disciplinary Extract

The following is an extract from the Model Constitution for Centres. To view the full document please visit www.bowlsnewzealand.co.nz and go to the ABOUT US section and then KEY DOCUMENTS. Your centre constitution should be up to date with the model constitution. If it is not, please take steps to update your constitution as soon as possible.

PART V – DISCIPLINE FOR MISCONDUCT AND DISPUTES

24. Discipline

24.1 **Jurisdiction of the Centre Board:** Subject to Rule 24.3 (Jurisdiction of the Bowls NZ Judicial Committee) and in accordance with the Centre Regulations, the Centre Board has jurisdiction to hear and determine Disputes and Misconduct at Centre Level. For the purposes of this Rule the Centre Board includes any sub-committee of the Centre, including a judicial committee established by the Centre Board in accordance with Rule 21.2d (Powers and Duties).

24.2 **Composition of Centre Judicial Committee:** If the Centre Board establishes a judicial committee to assist it to hear and determine Disputes and Misconduct at Centre Level in accordance with Rule 24.1 (Jurisdiction of the Centre Board), such Centre judicial committee shall comprise not less than three persons appointed by the Centre Board. Each member of the Centre judicial committee shall not be an employee of the Centre or a person who has an interest in the matter before the Centre judicial committee. At least one of the members must have legal experience, and the others should, if possible, have one or more of the following competencies:

- a. a person with significant experience in disciplinary tribunals, preferably in relation to bowls; and/or
- b. a person with extensive knowledge of the Game of Bowls.

The Centre Board shall appoint one of the members of the Centre judicial committee to act as the chairperson of the centre judicial committee. The quorum for all meetings of the centre judicial committee shall be three persons.

24.3 **Jurisdiction of the Bowls NZ Judicial Committee:** In accordance with the Bowls NZ Constitution and/or the Bowls NZ Regulations, the Bowls NZ Judicial Committee has jurisdiction to hear and determine:

- a. Disputes and Misconduct at National Events, unless already heard in accordance with any applicable event rules;
- b. Disputes and Misconduct at International Level, unless already heard in accordance with applicable event rules;
- c. other Disputes and Misconduct involving Bowls NZ Members:
 - i. that are not within the jurisdiction of a Club, Centre, the Bowls NZ Board and/or Regional Judicial Committee; or
 - ii. where the parties agree in writing; and
- d. any jurisdictional issues regarding Disputes and Misconduct.

24.4 **Application of Rule 24:** The Centre Board has no jurisdiction to hear and determine any Dispute(s) and/or Misconduct heard and/or determined by a Club.

24.5 **Procedure:** The relevant body in this Rule 24 (Discipline) shall take such action as it considers appropriate provided it acts in accordance with the principles of natural justice and any applicable regulations.

25. Appeals

- 25.1 **Appeal Process:** The process for appeals of decisions involving Misconduct or a Dispute shall be as follows:
- a. **Appeal to the Bowls NZ Judicial Committee:** Where there is a Dispute or Misconduct at Centre Level which is decided by the Centre Board (or committee on its behalf), any party affected by that decision may only appeal such decision to the Bowls NZ Judicial Committee in accordance with the Bowls NZ Regulations.
 - b. **Appeal to Sports Tribunal:** Where there is a Dispute or Misconduct which is decided by the Bowls NZ Judicial Committee under Rules 24.3 (Jurisdiction of the Bowls NZ Judicial Committee) (a) and (b), any party affected by that decision may only appeal such decision to the Sports Tribunal in accordance with the Rules of the Sports Tribunal provided the rules of the particular event do not require otherwise.
 - c. **No appeal right:** There shall be no right of appeal from a decision of the Bowls NZ Judicial Committee under Rules 24.3 (Jurisdiction of the Bowls NZ Judicial Committee) (c) and (d).
- 25.2 **Procedure:** In deciding any appeal under Rule 25.1a, the Regional Judicial Committee shall follow the procedures set out in the Bowls NZ Regulations.
- 25.3 **Stay of Execution:** Pending the determination of an appeal before it, the Regional Judicial Committee or the Sports Tribunal may grant a stay of execution of the decision which is being appealed.

Appendix Four: Model Disciplinary Regulations for Centres

The following is the Model Disciplinary Regulations for Centres. Your centre should adopt these Regulations to support your Centre Constitution. If it has not, please take steps to update your Regulations as soon as possible.

Disciplinary Regulation for Centres

1. Purpose and Status of Regulation

- 1.1 The purpose of this Regulation is to set out the procedure for determining Disputes and Misconduct at Centre Level.
- 1.2 This Regulation was adopted by the Centre Board, in accordance with the Constitution on [date].

2. Commencement Date

- 2.1 This Regulation shall come into force on [date] (“Commencement Date”). It shall continue in force until such time as it is revoked by the Centre Board.

3. Interpretation

- 3.1 Every reference to the Constitution shall mean the Centre Constitution unless specified otherwise.
- 3.2 The words and phrases used in this Regulation shall have the same meaning as defined in the Constitution of [name of Centre], unless otherwise specified in this Regulation.
- 3.3 In addition to clauses 3.1 and 3.2 of this Regulation, the following words and phrases used in this Regulation shall mean as follows:

“**Centre Board**” means the management committee, board or other committee however described of the Centre that is responsible for the governance of the Centre and includes any sub-committee of the Centre including a judicial committee. Any centre judicial committee established by the Centre Board shall comprise not less than three persons appointed by the Centre Board who shall have the competencies as set out in the Constitution.

“**Proceeding**” means any proceeding brought under this Regulation.

4. Application of Regulation and Amendment

- 4.1 **Application:** This Regulation applies to all Centre Board Members, Members, Appointed Personnel and Officers.
- 4.2 **Amendment:** This Regulation may be amended by the Centre Board, in accordance with the Constitution, provided such amendments are not inconsistent with the Constitution.

5. Centre Board

- 5.1 Disciplinary Functions of the Centre Board: In accordance with the Constitution, the Centre Board shall:
 - a. hear and determine any allegation of Misconduct made to it under the Constitution;
 - b. hear and determine any Dispute made to it under the Constitution;
 - c. follow the procedure to determine any allegation of Misconduct or any Dispute in accordance with clause 8 (Procedure); and
 - d. generally take all steps necessary or desirable to achieve the purposes of this Regulation.
- 5.2 **Conflicts and Confidentiality:** All information received by the Centre Board in accordance with this Regulation, and its deliberations, shall be kept confidential except to the extent required by law. Any Centre Board Member who considers s/he may have a potential conflict of interest in determining a

disciplinary matter in accordance with this Regulation shall declare that potential conflict of interest to the Chair and if the Chair considers it appropriate to do so, s/he may require that member to vacate their position on the Centre Board. If the Chair considers s/he may have a potential conflict of interest, he or she shall notify the Centre Board and if the Centre Board considers it appropriate to do so, it may require the Chair to vacate their position on the Centre Board.

- 5.3 **No Personal Liability:** No Centre Board Member will be liable for any act done or omitted to be done by a Centre Board Member in good faith pursuance or intended pursuance of the functions, duties, powers or authorities as specified in this Regulation.

6. Proceedings

- 6.1 **Commencement of Proceedings:** An application under this Regulation shall be commenced by a person alleging the Dispute or Misconduct (under clause 5.1a or clause 5.1b) filing the prescribed form (Form 1) and submitting it to the Centre Board as soon as possible but no later than 14 days after the Dispute or alleged Misconduct occurred.
- 6.2 **Exception:** The Centre Board, in its discretion, may accept an allegation after 14 days if exceptional circumstances, as determined by the Centre Board, exist.

7. Service

- 7.1 **Service:** Every document which is filed with the Centre Board shall also be served on all other parties in the Proceeding (including Interested Parties) at the address for service notified by that party in its documents in the Proceedings. If an Interested Party has not notified such an address, service shall be at the last known address of that party.
- 7.2 **Delivery:** Documents to be filed with the Centre Board, or served on another party, shall be sent by post, courier, email, facsimile or delivered in person.

8. Procedure

- 8.1 **Notice of Hearing:** Prior to the commencement of any hearing, the Centre Board shall ensure all parties in the Proceeding are provided with at least 7 days' notice of the hearing, unless the Centre Board considers the matter must be determined urgently in which case it may vary the notice requirements in this clause. The notice of hearing must:
- a. Be in writing.
 - b. State whether the parties are required to appear in person or whether the matter will be determined on the papers.
 - c. State whether the matter is a Dispute or an allegation of Misconduct, the possible penalties and the date, place and time of the hearing.
- 8.2 **Procedure:** Except as provided for in the Constitution or this Regulation, the Centre Board may determine its own practices and procedures for performing the functions specified in this Regulation and may prescribe or approve forms for the purposes of any Proceeding. The Chair shall explain the procedure to all those present at the hearing.
- 8.3 **Preliminary Matters:** Preliminary matters may be heard and determined by the Centre Board as it thinks fit.
- 8.4 **Interested Party:** The Centre Board may, either on its own motion or on the application of a person whom the Centre Board determines has sufficient interest in the matter, add a further person or persons as parties to a Proceeding, or allow a person or persons to make submissions or provide evidence in any Proceeding. If this occurs, that person(s) will be bound by these Regulations as if that person(s) was a party to the Proceeding.

- 8.5 **Absence:** If any party is absent or fails to make submissions the Centre Board may, in its discretion, make a decision in their absence or grant an adjournment. Before making a decision in the absence of any party, the Centre Board must be satisfied that the person concerned had been notified of the hearing in accordance with this Regulation.
- 8.6 **Hearing:** The hearing shall take place as soon as practicable and may be held in person, telephone or video conference or by consideration of written submissions as determined by the Centre Board. At the hearing all parties, including Interested Parties and witnesses (if any), shall be given an opportunity to be heard.
- 8.7 **Power to Inquire and Direct:** The Centre Board shall have the power to inquire into the subject-matter of any Proceeding in accordance with this Regulation. For the purposes of any inquiry, the Centre Board, or any person authorised in writing by it may:
- a. inspect and examine any papers, documents, records or items;
 - b. require any party or person bound by this Regulation, and request any other person, to produce for examination any papers, documents, records or things in that person's possession or under that person's control and to allow copies of or extracts from any such papers, documents or records to be made;
 - c. require any party or person bound by this Regulation, and request any other person, to provide in a form approved by or acceptable to it, any information or particulars that may be required by it, and any copies of or extracts from any such papers, documents or records;
 - d. in respect of any Proceeding, hear evidence; and
 - e. make such inferences and draw such conclusions as it considers appropriate from the failure by any person or party to comply with any requirement made by the Centre Board under this clause 8.7.
- 8.8 **Natural Justice:** The Centre Board shall, in all matters, observe the principles of natural justice.
- 8.9 **Filing Fee:** The Centre Board may, by resolution, set a filing fee for any Proceeding to be heard before the Centre Board. The Centre Board may, in its discretion, waive all or part of any fee if it considers appropriate to do so.
- 8.10 **Evidence in Proceedings:** The Centre Board may:
- a. receive as evidence any statement, document, information, or matter that may, in its opinion, assist it to deal effectively with the matters before it, whether or not the same would be admissible in a court of law;
 - b. take evidence on oath, and for that purpose any Centre Board Member may administer an oath; and
 - c. permit a person appearing as a witness before it to give evidence by tendering a written statement and, if the Centre Board thinks fit, verifying it by oath.
- 8.11 **Representation:** The parties, including any Interested Party, may be represented or assisted in the Proceeding by a person of their choice.
- 8.12 **Minors:** A person who has not attained the age of 18 years, (referred to in this Regulation as a "Minor") may be a party to, and shall be bound by a Proceeding before the Centre Board as if the Minor were a person of full age and capacity. Where a Minor is a party to any Proceeding, the Centre Board may, if the Minor agrees and it considers it would be in the interests of the Minor to do so, at any time appoint a person to represent the Minor. The Minor shall be responsible for any costs incurred as a result of such representation.
- 8.13 **Applicable Law:** All Proceedings shall be determined according to the laws of New Zealand.

8.14 **Decisions:**

- a. A decision of the Centre Board in any Proceeding shall be made by majority decision of the Centre Board Members hearing the Proceeding.
- b. In the event there is no majority decision of the Centre Board Members hearing the Proceeding, the Chairperson shall decide the matter.
- c. The Centre Board may, in its discretion, give an oral decision, but shall also issue a written decision with reasons as soon as expedient.
- d. The Centre Board may also make non-binding recommendations to a Centre, a Club, or any other party of any Proceeding.
- e. Any decision of the Centre Board made under this Regulation shall be enforceable, by any party to the Proceeding in which the order is made, in the courts of New Zealand under the law of contract.

8.15 **General:** Where any matter is not otherwise provided for in this Regulation, the Centre Board shall have jurisdiction to make such orders or give such directions as it considers to be consistent with the just, speedy, and inexpensive determination of the Proceeding.

8.16 **Mediation:** The Centre Board may, if requested by the parties, or on its own violation, order that the substantive issue in a Proceeding, or any sub-issue, be mediated before an independent person.

8.17 **Records:** The Centre Board shall keep records of all Proceedings, including all investigations and decisions.

8.18 **Costs:** Unless otherwise determined by the Centre Board, every party and person involved in any Proceeding shall bear their own costs.

9. **Centre Board Orders**

9.1 **Orders:** The Centre Board may make any such orders as it considers appropriate to give effect to its decision, including imposing any of the following sanctions:

- a. a reprimand or warning;
- b. suspension or termination from such activities of the Centre including events, competitions, tournaments, meetings, and functions, on such terms and for such period as it thinks fit;
- c. suspension or termination of the Member's membership of the Centre;
- d. fines, imposed in such manner and in such amount as the Centre Board thinks fit;
- e. such other penalty as the Centre Board considers commensurate with the offence; and/or
- f. such combination of any of the above penalties as the Centre Board thinks fit.

10. **Appeals**

10.1 **Appeal to a Regional Judicial Committee:** Any Member who is subject to a decision of the Centre Board under this Regulation, may appeal the decision to a Regional Judicial Committee in accordance with the Bowls NZ Regulations.

Appendices of Forms

Reference	Explanation
Form 1	Application for Proceedings to be Heard by the Centre Board

**APPLICATION FOR PROCEEDINGS
TO BE HEARD BY THE CENTRE BOARD**

1. Details of Applicant

Name	TITLE	FIRST NAME	SURNAME
Postal Address	STREET		SUBURB
	CITY	POSTCODE	

Contact Person for this Application

Name	TITLE	FIRST NAME	SURNAME
Position			
Telephone	WORK	MOBILE	
Facsimile	WORK		
Email			

2. Details of Representative (if applicable)

Please insert the details of your legal representative or other person, if any, who will be representing you in these Proceedings.

Name of Representative	TITLE	FIRST NAME	SURNAME
Firm/Company			
Postal Address	STREET		SUBURB
	CITY	POSTCODE	

3. Alleged Dispute or Misconduct

(a) Give details of the alleged Dispute or Misconduct.

[Redacted area for details of the alleged Dispute or Misconduct]

(b) Summarise the evidence which will be produced in support of the alleged Dispute or Misconduct (the summary will not prevent further evidence being brought in accordance with any direction given by the Centre Board).

[Redacted area for summary of evidence]

4. Result Sought

Please supply the outcome sought in accordance with the applicable rules/policies.

[Redacted area for result sought]

5. Authority

Name

TITLE

FIRST NAME

SURNAME

Signed

Position

Date

Filing and Service Instructions

1. This application should be signed and filed with the Centre Board at the address given below.
2. Where possible, a summary of the evidence to be brought in support of the allegations and a copy of documents evidencing the allegation should be attached.
4. The Applicant is to personally serve a copy of this application and attachments on the Respondent as soon as practical after the original has been filed with the Centre Board and provide confirmation of this to the Centre Board.

[insert postal address of Centre]

Phone: [insert]

Fax: [insert]

Email: [insert]

Appendix Five – Bowls New Zealand Judicial Regulations

The Bowls New Zealand Judicial Regulations are reviewed and updated by the Board of Bowls New Zealand. All regulations are kept up to date on the Bowls New Zealand Website at the following link:

<https://bowlsnewzealand.co.nz/key-documents/>