

## **Disciplinary Code of Practice Brief**

(March 2009) With reference to 2009 Autumn/Spring Pennant and NSW Squash Events

### **PRELIMINARY**

#### **Objectives**

- 1 The objects of the Code are to:
  - (a) To provide a code of procedure for dealing with complaints of misconduct against players;
  - (b) To provide fair and just procedures:
    - (i) to hear and determine charges for misconduct; and
    - (ii) for the imposition of penalties;
  - (c) To ensure that the proceedings are taken and concluded in good faith and on the merits of each case;
  - (d) To ensure that the proceedings are conducted expeditiously and in accordance with the Rules of Natural Justice;
  - (e) To promote uniformity and consistency of approach in the imposition of penalties;
  - (f) To ensure that misconduct which could bring the game of squash into disrepute; is adequately punished;
  - (g) To eradicate any conduct that could be detrimental to the interests, welfare or image of NSW Squash or the game of squash.

### **MISCONDUCT**

#### **Application**

- 2 This Code applies to misconduct of a player that occurred within the State of New South Wales in relation to a match that was played in a competition, tournament or exhibition conducted by or under the auspices of NSW Squash.

#### **Misconduct**

- 3 Misconduct is constituted by:
  - (a) any of the instances of misconduct referred to in WSF Rule 17 (“Conduct on Court”);
  - (b) such other conduct as may from time to time be deemed by the Board, by notice in writing to the Tribunal, to constitute an act of misconduct to which this Code applies.

#### **Temporal Relationship**

- 5 The misconduct may have occurred before, during or 30 minutes after the conclusion of a match but must have occurred within the precincts of a squash court centre.
- 6 The misconduct of a player may have occurred whilst the player was playing, refereeing, marking or viewing a match or was otherwise within the precincts of the squash.

### **COMPLAINT PROCEDURE**

#### **Complaint**

- 17 A complaint of misconduct may only be made by:
  - (a) a player who was a player, match official involved in or was a witness to the alleged misconduct; or
  - (b) an official of NSW Squash who was a witness to the alleged misconduct.

## **Application**

- 18 The complainant may stipulate that the complaint is made on behalf of or with the support of the team and/or the club of the complainant.
- 19 A complaint concerning the misconduct of a player must:
- (a) contain the particulars required by Form 1 (“Complaint”), and
  - (b) be received by the Commissioner:
    - (i) within seven days of the date upon which the misconduct is alleged to have occurred, or
    - (ii) within such further period as may be agreed to by the Commissioner.
- 20 The Commissioner shall require the complainant to furnish an amended Complaint, if the Commissioner is of the opinion that the Complaint received from the complainant does not contain all of the information required by Form 1.
- 21 The Commissioner shall deliver a copy of the Complaint to any player that is accused of misconduct in the Complaint.

## **Reply**

- 22 The Commissioner shall request the player that is accused of misconduct in the Complaint to supply him with a Reply to the allegations contained in the complaint.
- 23 A Reply in response to the allegations contained in the Complaint must:
- (a) contain the particulars required by Form 4 (“Reply”); and
  - (b) be received by the Commissioner:
    - (i) within seven days of the date upon which the Complaint is delivered to the player; or
    - (ii) within such further period as may be agreed to by the Commissioner.
- 24 The Commissioner shall require the player to furnish an amended Reply, if the Commissioner is of the opinion that the Reply received from the accused player does not contain all of the information required by Form 4.
- 25 The Commissioner shall deliver a copy of the Reply to the complainant.

## **Witness Statements**

- 26 Statements by witnesses that purport to support the allegations contained in the Complaint or the Reply must:
- (a) contain the particulars required by Form 5 (“Witness Statement”); and
  - (b) be delivered to the Commissioner at the same time as the Complaint or Reply is delivered to the Commissioner.
- 27 The Commissioner shall require the witness to furnish an amended Witness Statement, if the Commissioner is of the opinion that the Witness Statement received from the witness does not contain all of the information required by Form 5.
- 28 The Commissioner shall forward copies of the Witness Statements to the accused player or the complainant, as the case may be, as soon as they are received by him.

## **CHARGING PROCEDURE**

### **Laying Charges**

- 29 The Commissioner shall:
- (a) consider the allegations contained in the Complaint, Reply and Witness Statements;
  - (b) determine whether such allegations may constitute misconduct within the jurisdiction of this Code;
  - (c) determine:
    - (i) whether to lay charges;
    - (ii) the gradings of such charges; and
    - (iii) whether to refer any of such charges to the Tribunal for consideration.
- 30 The Commissioner may decide not to lay any charges or to only lay charges in respect of some of the allegations of misconduct.