



BOWLS
NEW ZEALAND
AOTEAROA

Disciplinary Guidebook

(last updated March 2024)

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1. Introduction

The Disciplinary Guidebook has been produced to guide Clubs, Centres, Judicial Commissioners 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 complaints, disputes and misconduct is established. Using this guidebook Clubs and Centres can continue to manage their own complaints, disputes, and misconduct or (in the case of misconduct) allow the matter to be managed by a Bowls NZ Judicial Commissioner. Any appeals would then be handled by the full Bowls New Zealand Judicial Committee.

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 Commissioner 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 Commissioner 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.

2. Section One – Process Guidelines for Clubs and Centres

When a Club, Centre or Bowls New Zealand receives a compliant, 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.

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 Centres and Bowls New Zealand **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:

A. **The Club Board (or Other Committee) or Commissioner hearing the Complaint, 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), Judicial Commissioner hearing a compliant, 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.

B. **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 decision maker 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; or
 - 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 OR the club may elect to have the matter managed by a Bowls NZ Judicial Commissioner.

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):

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.
 - 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 /Bowls NZ 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).
 - 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 **cannot** 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 OR the matter be referred to a Bowls NZ Judicial Commissioner. The formation of this committee (at club or centre level) 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.

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 are no set criteria, it is recommended that at least three attempts are made to schedule a hearing. There is allowance in the 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 Complaint, 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); or if a Centre decision, then the Club and 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?**

1.5 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.

3. 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. 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 or Commissioner 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 or commissioner 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 is that a suspension applies to **ALL** bowls throughout New Zealand.

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

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