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## **NDBA ADVISORY COMMITTEE PAMPHLET NO.12**

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### **SUGGESTED PROCEDURAL STRUCTURE FOR CLUBS WITH JUDICIAL COMMITTEE REQUIREMENTS.**

The Judicial Committee may be formed in the following ways:

- (a) The Committee made up of three Directors from the Board with a Vice-President as its Chairman. This allows the remainder of the Board freedom to consider any recommendations considered by the Judiciary to agree or disagree with their proposals.
- (b) Where a Club has only one Vice-President then the Treasurer should act as Chairman.
- (c) The authority to withdraw Club privileges of a member can be determined by the Secretary Manager if the same person is the registered Licensee of the Club in conjunction with the President/Chairman of the Club after consultation. The period of withdrawal of Club privileges would be for the period until the person/persons front the Judicial Committee. It would be good practice to have the Judicial Committee available to meet weekly to hear such reasons and make their recommendations to the remainder of the Board when convened as in (a). One recommendation may be that the withdrawal of Club privileges be upheld until the next Board Meeting scheduled for that month.

#### **Suggested Procedural Structure for a Judicial Committee**

1. The Member cited is called and the citation is read to him/her by the Chairman.
2. Chairperson asks the Member if he/she is clear as to the substance of the citation. Clarify any details if necessary.
3. Ask the Member if he/she intends to defend the charge or do they wish to plead guilty.
4. If the plea is guilty ask if they wish to make a statement. If not, or at the conclusion of the statement, the Member is excused after being informed that he/she will be notified in writing as to the decision reached.
5. The Judicial Committee begins its deliberation.
6. If the Member elects to defend the charge then the Committee brings forward each witness or witnesses supporting the charge. A witness on completion of their statement may be questioned by the Judicial Committee and then by the member cited, if he/she so desires.
7. The cited Member states his/her case in defence and may bring forward a witness or witnesses in support. At the conclusion of their statement the witness is subject to questions by the cited Member and then by the Judicial Committee, if they so desire.
8. The Judicial Committee may question the cited Member, after the departure of the last witness, if they so desire.

### **Some Points for a Judicial Committee to Bear in Mind During its Deliberations**

1. The strengths and weaknesses of arguments for and against the citation.
2. The veracity of witnesses. This is of particular importance where conflicting statements are presented.
3. Never overlook time and place factors. The detail of exactly **where** a certain action took place and **when** will often supply the key as to the truth of the statement.
4. Look for sincerity rather than emotion. Take into account however, the fact that nerves or lack of self-confidence may hinder a person from successfully presenting their case.
5. Always divorce yourself as far as possible from any preconceived ideas as to the person's guilt or innocence. You must judge only on the facts presented.
6. Be clear in your mind as to the reasons why you find a member guilty or innocent.

### **Convening a hearing by the full Board to hear recommendations of the Judicial Committee**

The President/Chairperson will convene the meeting and the citation is then read to the full Board by the Chairman of the Judicial Committee with other members of the Committee present. Evidence of persons involved, plus witnesses called by the person or persons will also be presented to the Board. On completion of the evidence and recommendation of the Judicial Committee, the President/Chairman will ask other members of the Board have they any questions to the Judicial Committee members.

On completion, the Board will vote to determine whether a warning, reprimand, fine, suspension or expulsion recommended by the Judicial Committee be endorsed as fair justice from the evidence given. The Board failing to agree by voting. This may require further investigation or be overturned. The member/members cited would be notified by mail of the Board's decision.

**Note:** Clubs should have written into their Constitution stating that the decision of the Board shall be final and not open to a further challenge. This prevents further unnecessary expense in dealing with disciplinary matters.

**Read:** Appropriate section of the Clubs NSW Directors Guide – Board Operations – Decision of the Board Dealing with Disciplinary Matters.