

# REGULATIONS

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# 1. LAWS OF THE SPORT – DOMESTIC REGULATION

## Status of Regulation

These Domestic Regulations (Regulation) are made in accordance with Law 57.1 of the World Bowls Laws of the Sport of Bowls Crystal Mark Fourth Edition. This Regulation applies to all domestic play in New Zealand which covers club, centre, regional and national competitions.

Bowls New Zealand (as a Member National Authority) are authorised to make Regulations on aspects of the sport. If there is no domestic regulation to cover a specific aspect of the sport, all games will be played in line with the Laws of the Sport of Bowls.

## Commencement

This Regulation is issued by Bowls New Zealand under Clause 25 of the Bowls New Zealand Constitution.

This Regulation will take effect from 1 April 2023.

## 1. Definitions

- 1.1 The words and phrases used in this Regulation shall have the same meaning as defined in the Bowls New Zealand Constitution, unless otherwise specified in these Regulations.
- 1.2 References to a Law in this Regulation refers to a law in the World Bowls Laws of the Sport of Bowls Crystal Mark Fourth Edition.
- 1.3 “Club Tournament” means a competition, tournament, or event for the game of bowls held by or under the auspices of a Club in which entry is limited to members of that Club. This may include graded events where players play in a position that has been classified by their Club.
- 1.4 “Open Tournament” means a competition, tournament, or event for the game of bowls which is open for entry to any member of any Club or Centre.

## 2. Substitute Players (Law 32.9)

- 2.1 For domestic play, a substitute is a player who is either temporarily or permanently replacing an absent team member during a game or tournament.
- 2.2 A Substitute may be permitted into a team at any stage during a game throughout the course of a tournament. Changes made to members of the original team before the start of the first game are permitted at the discretion of the Controlling Body and are not considered to be a substitute.
- 2.3 The Controlling Body will decide on the eligibility and approve the use of a substitute. If no eligible substitute is available, Law 32.6 applies.
- 2.4 The following requirements apply to introducing a substitute:
  - a. The substitute must play in any position other than skip. The other members of the team can rearrange their positions as necessary.
  - b. If the tournament is a graded event, a substitute graded Skip can play as Skip. The Controlling Body may give approval for a team member to play in a higher graded position, but under no circumstances shall a team member play in a lower graded position.
  - c. The Controlling Body will determine if the request for a substitute is valid. The following examples would normally be considered valid, including but not limited to illness, bereavement of a close family member, jury duty, Bowls New Zealand duty and work commitments. Other circumstances may also be accepted as valid. The Controlling Body may include additional reasons in the Conditions of Play.

- d. A Substitute shall not be permitted if a team member enters another tournament scheduled to play at the same time.
- e. A Fours Team may contain up to two substitutes at any one time during an event.
- f. A Triples or Pairs Team may only contain one substitute at any one time during an event.
- g. A substitute is not permitted in any Singles game, except in a Side, where a substitute may be permitted.
- h. If the player for which the substitute was replacing later becomes available, the player shall with the consent of the Controlling Body, rejoin the team in the same position at the completion of any end. The team can rearrange their positions as necessary. Wherever possible, the original player, should return to the team before another player is appointed as a substitute.
- i. A substitute team member must be approved when a player has qualified or been selected for a Centre or Bowls New Zealand tournament.
- j. If a player qualifies for more than one event under the control of the same Controlling Body and is instructed to play in one event, a substitute will be permitted, unless it is a Singles event.

2.5 A substitute approved by the Controlling Body shall, where possible, be:

- a. Of playing ability equal to, or less than, the absent team member
- b. A player who satisfies the eligibility requirements for team members in the Conditions of Play.
- c. Where it is not possible to satisfy the above requirements, the Controlling Body may appoint any suitable player to act as substitute.

2.6 The awarding of a trophy, financial reward, or other acknowledgement of winning a tournament to a substitute in the winning team shall be the prerogative of the Controlling Body.

2.7 If the tournament leads on to a pathway event, the Controlling Body shall decide if the substitute will be nominated and entered to play in that tournament.

2.8 Each pathway event is a competition in its own right and therefore the full scope of this Regulation will apply to each pathway event.

### **3. Artificial devices for delivering the jack or a bowl (Law 41.8)**

*(Refer to Section 17 for additional regulations on Players with Disabilities)*

- 3.1 For domestic play, the use of a Bowling Arm is approved for delivering the jack or a bowl.
- 3.2 A player may use any number of Bowling Arms during trial ends to assess suitability.
- 3.3 Whenever a player commences using a Bowling Arm in a game, the player must use it for the remainder of that game. This does not apply to the delivery of the jack, which can be delivered either by hand or by a Bowling Arm.
- 3.4 A player cannot alter or change the Bowling Arm during a game except in circumstances where the device is rendered unplayable. In this instance, the player may change to another bowling arm on approval by the Umpire or Controlling Body.
- 3.5 Bowls New Zealand may consider approving other artificial devices for use on a case-by-case basis. A sample of the device should be submitted for practical assessment. Any additional approved artificial devices will be notified to all Centres once approval has been granted.

### **4. The type of synthetic surfaces (Law 46.4)**

- 4.1 Bowls New Zealand will approve the type of synthetic surfaces to be used for domestic play.

- 5. Standards for greens constructed in line with previous editions of the Laws of the Sport of Bowls (Law 46.5)**
- 5.1 Greens already in use at the time of implementation of this Regulation are approved for domestic play.
- 6. Standards for the minimum width of a rink (Law 49.1)**
- 6.1 For domestic play, the minimum width of a rink shall be 3.6 metres and the maximum width shall be 5.8 metres.
- 7. Standards for boundary pegs made in line with previous editions of the Laws of the Sport (Law 49.5)**
- 7.1 Boundary pegs already in use at the time of implementation of this Regulation are approved for domestic play.
- 7.2 The four corners of the rink must be marked by boundary pegs which shall be a minimum of 13mm and a maximum of 25mm wide.
- 7.3 The requirement for a thin black vertical line on boundary pegs shall not apply to pegs fixed on top of the bank.
- 8. The use of boundary threads (Law 49.9)**
- 8.1 Boundary threads will not be used for domestic play.
- 9. Re-testing and re-stamping bowls (Law 52.2.3)**
- 9.1 All re-testing and re-stamping of bowls must be carried out by a World Bowls licensed tester.  
**The deposit to be paid when a challenge to bowls is lodged (Law 52.4.4.3)**
- 10.1 A deposit of \$150 must be paid to the Umpire or Controlling Body by the person making a bowls challenge.
- 11. Requirements for the stamps on bowls (Law 53.5)**
- 11.1 All sets of bowls used for domestic play shall bear a 1982 date or subsequent on the bowls stamp.
- 12. The type of measuring equipment for carrying out umpires' duties (Law 54.9)**
- 12.1 Bowls New Zealand may approve measuring equipment for carrying out umpire's duties during domestic play in addition to the equipment listed in Law 54.
- 12.2 A sample of the measuring equipment and accompanying information can be submitted for practical assessment. Measuring equipment will only be approved if it is determined that it is effective and accurate for use during umpiring duties.
- 12.3 If measuring equipment is approved for carrying out umpire's duties, this will be notified to all Centres and Umpire Groups once approval has been granted.

### **13. Colours for footwear and the types of sole (Appendix A.2.2)**

- 13.1 Players, Umpires and Markers must wear flat-soled (heel-less) footwear when they play on the green or act as an Umpire or Marker. Soles may be of a non-slip material with a slightly abrasive surface.
- 13.2 Bowls New Zealand may grant dispensation to wear a particular type of footwear or no footwear based on medical grounds.
- 13.3 Footwear that damages the green will not be permitted. The person concerned will be asked by the Controlling Body to remove their shoes and replace them.
- 13.4 Bowls New Zealand will have the ability to approve footwear for use on greens. The player or manufacturer/supplier must submit a sample for approval. Once approved footwear will be notified to all Centres. The approval of footwear will be based on (but not limited to) the following aspects:
  - a. Contour of the sole
  - b. One piece sole
  - c. Channel depth
  - d. No raised heel
  - e. No attached heel
  - f. Rounded edges
  - g. Indented non-slip sole
  - h. No excessively pronounced ripples/obstructions

### **14. Colours and types of clothing, including bowling gloves (Appendix A.3)**

- 14.1 For club tournaments, clothing requirements shall be determined by the Club.
- 14.2 For any open tournament, players in Singles and members of a Team or Side must wear clothing of the same colour and design as determined by the Controlling Body. The Controlling Body may impose conditions relating to sponsor's logos.
- 14.3 Bowls New Zealand may approve clothing variations upon application from any Club or Centre for any specific event, game, Team or Side.
- 14.4 Bowling gloves are permitted and may be worn at any time.
- 14.5 All registered Umpires will wear clothing in the official colours as determined by Bowls New Zealand. Umpires are entitled to wear badges, flashes, and other uniform items, as approved by Bowls New Zealand.

## **SUPPLEMENTARY TOURNAMENT REGULATIONS**

### **15. Tournaments and Use of Greens**

- 15.1 A Centre or Club shall not hold a qualifying competition for a National Event at the same time as the following competitions are being played:
  - a. New Zealand National Open Championships
  - b. Regional Playoff or National Final of any New Zealand Interclub or Intercentre competition.
- 15.2 A club shall not hold a qualifying competition for a national pathway event at the same time as a Centre competition, except if no players from that club are involved in that event.
- 15.3 Every Bowls New Zealand affiliated club shall allow Bowls New Zealand and/or its governing Centre the use of, and full access to, its bowling green(s) and amenities for the conducting of national and Centre tournaments and other fixtures held by or under the auspices of Bowls New Zealand or the relevant Centre on such days in the playing season as Bowls New Zealand

or the Centre may require, following consultation with, and upon giving reasonable notice to, the Club concerned.

## **16. Use of Technology**

- 16.1 The use of electronic devices (for example, mobile phones, tablets, and other devices) is permitted on the green under the following conditions:
- a. If they are used by a player to either record or monitor the outcomes of their game
  - b. They are not used for communication purposes, and
  - c. The use of the device does not interrupt or interfere with any other players or disrupts the flow of the game.
- 16.2 If the use of electronic devices does not meet these conditions, the Controlling Body or Umpire may ask the player to immediately stop using the device.
- 16.3 The Controlling Body for any tournament retains the right under A.1.4.5 to make specific arrangements for the use of electronic devices in their Conditions of Play.

## **17. Players with Disabilities**

### **Wheelchairs (Manual)**

- 17.1 The large and usually rear tyres (pneumatic or soft rubber wheels) must have a minimum width of 75mm. Tyres must be smooth or inverted tread.
- 17.2 The tyres for the small or front wheels must be at least 200mm x 75mm with a pneumatic or soft rubber tyre. Castors made of nylon or polyurethane can also be used for front wheels. The width of these should be a minimum of 75mm. It is a requirement that the edges, if sharp, be rounded off.
- 17.3 If there are any doubts about the tyre tread, tape or other material can be placed over the tyre to provide a smoother surface as a temporary or precautionary measure.
- 17.4 To further ensure there is no undue damage to the green, players should ensure a wide circle is taken when turning their chair on the green.
- 17.5 It is considered that the use of a motorised wheelchair would damage greens, both natural and artificial. All play on greens should be from a manual wheelchair. Any wheelchair player is permitted to have an assistant to assist with any mobility issues.

### **Scooters**

- 17.6 Any large tyres (pneumatic or soft rubber) must have a minimum width of 75mm. Tyres must be smooth or inverted tread.
- 17.7 Any smaller wheels must be at least 200mm x 75mm with a pneumatic or soft rubber tyre.
- 17.8 If there are any doubts about the tyre tread, tape or other material can be placed over the tyre to provide a smoother surface as a temporary or precautionary measure.
- 17.9 To further ensure there is no undue damage to the green, players should ensure a wide circle is taken when turning their chair on the green.

## **Walking Frames**

- 17.10 Walking frames can be used provided the frame does not cause damage to the green. To eliminate damage that may be caused to the green, the frame must comply with the following requirements:
- a. Pneumatic wheels which are at least 75mm or wider wheels that are smooth and without tread.
  - b. If the frame has “feet”, each one must have its own base covered with rubber or similar material. The base should measure at least 75mm across.
  - c. Players are not to sit on their frames while on the green unless each “foot” and wheel complies with these specifications.

## **Crutches or Walking sticks**

- 17.11 A player who has a physical disability will be allowed to use a crutch or walking stick. The support must have a base covered with rubber or similar material. This base must measure at least 75 mm across. The crutch or walking stick can be placed on or next to the mat.

## **String Lines**

- 17.12 String lines are an accepted practice for centre line rink markings for vision impaired bowlers. The string line should be fixed to the end of the rink on the centre line.
- 17.13 The string line should be white and tightly affixed along the surface of the green.

## **18. Person Assisting a Vision Impaired Player**

- 18.1 The sighted person assisting a vision impaired player will be referred to as the Director. The Director may give any assistance required to the player and assist with the strategy of play. The Director may stand in front of the mat while their player is in possession of the rink.

## **2. CODE OF CONDUCT FOR NATIONAL EVENTS – DOMESTIC REGULATION**

### **1. Introduction:**

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- 1.1. Purpose: The purpose of this Code is to ensure that all Participants participating in a National Event are aware of the standard of conduct expected of them and the consequences of breaching that standard.
- 1.2. Commencement: This Code supersedes and replaces all previous Bowls New Zealand Codes of Conduct. This Code came into force on 18 September 2015 and was updated on 1 December 2015 and again on the 14 September 2019.

### **2. Definitions:**

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- 2.1. For the purposes of this Code:
- (a) “Anti-Match Fixing Regulation” means the Bowls New Zealand Anti-Match Fixing Regulation, as amended from time to time.
  - (b) “Bowls New Zealand Integrity Officer” means the Bowls New Zealand Chief Executive, unless the Board decides otherwise.
  - (c) “Bowls New Zealand Tournament Director” means the director of a National Event as appointed by Bowls New Zealand.

- (d) “Conditions of Play” means the playing conditions, eligibility and other rules of the tournament under which a National Event is to be played, as determined by the Bowls New Zealand Tournament Director in accordance with the Regulations
- (e) “Event Officials” means any individuals who are appointed by Bowls New Zealand, a Centre or Club to positions of responsibility at a National Event including, but not limited to, volunteers, employees, officers, umpires and the Tournament Director at which a National Event is being held.
- (f) “Judicial Committee” has the meaning given to it in the Bowls New Zealand Judicial Regulation.
- (g) “Judicial Regulation” means the Bowls New Zealand Judicial Regulation as may be amended from time to time.
- (h) “Laws of the Sport” means the laws for playing the Game of Bowls as approved by World Bowls (including all domestic Regulations and the Conditions of Play).
- (i) “Match Fixing” means conduct defined as prohibited conduct in the Anti-Match Fixing Regulation including corruption, betting, misusing inside information and other offence.
- (j) “Misconduct” in this Code means, but is not restricted to, situations during a National Event where a Participant:
  - i. breaches any provision of the Laws of the Sport;
  - ii. deliberately loses or attempts to lose a game of bowls or plays unfairly;
  - iii. engages in Match Fixing;
  - iv. alters a bowl after it has been stamped by a registered bowls tester without submitting it for retesting and restamping;
  - v. uses any profane, indecent or improper language;
  - vi. at any time or place engages in offensive or insulting behaviour towards Bowls New Zealand, any Centre, any Club or any member of any Centre or Club, or any person acting for or on behalf of Bowls New Zealand, a Centre or a Club;
  - vii. acts in a manner which brought, or could bring, Bowls New Zealand, any Centre or any Club into disrepute;
  - viii. acts in a manner unbecoming of a Participant, or a member of a Centre or Club or which is prejudicial to the Objects and/or the objects of a Centre and/or Club;
  - ix. aids or abets any of the conduct specified in (i) to (vii) above.
- (k) “National Event” means a bowls event held by, or under the auspices of, or administered by, Bowls New Zealand (and held at a Centre or Club venue as determined by Bowls New Zealand). National Events may be held on an open, invitation or limited entry basis. A National Event shall be deemed to start at the commencement of the official opening, manager’s meeting or pre-event briefing immediately preceding the event (whichever is the earlier) and shall end at the conclusion of the official closing, prize giving or official Bowls New Zealand function for the event (whichever is the latter).



- (l) "Participant" means any person who participates in a National Event, including but not limited to players, coaches, managers who:
  - i. are Members of Bowls New Zealand; or
  - ii. have acknowledged in writing that they are bound by this Code.
- 2.2. All other defined terms have the same meaning as defined in the Bowls New Zealand constitution or the Bowls New Zealand Regulation Ten – National Events.

### 3. **Players Obligations:**

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- 3.1. **Sportsmanship:** Participants must conduct themselves in a proper manner, including maintaining a high standard of personal conduct, so as not to bring themselves, Bowls New Zealand, a Centre, Club or the game of Bowls into disrepute. Accordingly, all Participants will apply:
  - (a) **Best efforts:** always playing to the best of their ability and to perform as part of a team (if relevant).
  - (b) **Respect:** maintaining an attitude of respect and politeness towards their opponents and Event Officials.
  - (c) **Integrity:** refraining from any conduct which might reflect on the integrity of a National Event, Bowls New Zealand, a Centre, Club or the game of Bowls generally.
  - (d) **Discrimination:** refraining from any discriminatory practices (or making any discriminatory statements) based on age, sex, race, religion, ethnic background, or special ability/disability bowlers.
  - (e) **Misconduct:** refraining from engaging in Misconduct.
- 3.2. **Laws:** Participants must accept any ruling given by an Event Official during a National Event (subject to any right of appeal given by Regulation 10 - National Events, Conditions of Play and the Laws of the Sport) and strictly comply with:
  - (a) the Bowls New Zealand Regulations (including the Bowls New Zealand Anti-Doping Regulation, Bowls New Zealand Anti-Match Fixing Regulation and Bowls New Zealand Judicial Regulation, as may be amended from time to time); and
  - (b) the Laws of the Sport.
- 3.3. **Media:** Participants are entitled to make public statements or any other communication with the media (including via web-based social media e.g. Facebook, Twitter) in relation to their personal performance at a National Event provided that Participants do not make, or endorse, any public statement in the media (including web-based social media) that has (or may have) a negative effect on the interests of any other Participants, Event Official(s), the Bowls New Zealand Tournament Director, Bowls New Zealand, a Centre, or a Club involved in a National Event.
- 3.4. **Late Withdrawal:** Once the draw for a National Event has been published players may only withdraw from the National Event by providing the relevant Event Officials with evidence of a bona fide injury, illness, bereavement, or other exceptional circumstance.

- 3.5. **Best efforts:** A Participant must always use his/her best efforts to complete a game and must not default unless he/she is reasonably unable to play or complete a game.
- 3.6. **Late Arrival:** A Participant must not arrive late for a game, resulting in the default of the game, without providing Event Officials with evidence of an exceptional circumstance that prevented the Participant's attendance.
- 3.7. **Default:** A Participant must not default or withdraw from a National Event in order to allow the Participant to compete in another National Event (or other event) that is to occur on the same day.
- 3.8. **Playing after withdrawal:**  
A Participant must not compete in another National Event (or any other event) after declaring themselves unavailable to compete in a National Event, unless otherwise agreed with Bowls New Zealand.
- 3.9. **Obscenities:** Participants must refrain from directing any words, signs or gestures towards any other Participants, Event Official(s) or the Bowls New Zealand Tournament Director that are understood in any language to have an obscene or offensive meaning.
- 3.10. **Dress:** Participants must present themselves for play in suitable sports clothing and must comply with any Bowls New Zealand Regulations and with all reasonable directions of Event Officials regarding dress standards while competing in a National Event.

#### **4. Match Fixing:**

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##### **4.1. Match Fixing Prohibited:**

Match Fixing by Participants at, or in connection with, National Events is prohibited as specified in the Anti-Match Fixing Regulation.

#### **5. Breach of Code:**

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##### **5.1. Breach of Obligations:**

If an Event Official, player, coach or other person entitled to do so under the Laws of the Sport, considers that a Participant may have breached any obligation under this Code, the Event Official shall refer the matter to the Bowls New Zealand Tournament Director who shall:

- (a) where it is alleged to be Match Fixing, refer it to the Bowls New Zealand Integrity Officer for investigating in accordance with the Anti-Match Fixing Regulation;

- (b) Where it is for any other matter:
  - i. dismiss the matter without a hearing if the Bowls New Zealand Tournament Director considers that the matter is frivolous or is brought for vexatious reasons; or
  - ii. refer the matter to the Judicial Committee in accordance with the Judicial Regulations and, subject to clause 5.2 below, suspend the alleged offending player from the National Event with immediate effect pending the determination of the Judicial Committee .

**5.2. Right to Natural Justice:**

Prior to imposing a suspension, the Bowls New Zealand Tournament Director must inform the alleged offending Participant of the alleged breach of the Code and give the Participant the opportunity to provide their version of the events giving rise to the alleged breach.

### **3. ANTI-MATCH FIXING – DOMESTIC REGULATION**

#### **1. Commencement Date**

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- 1.1 Pursuant to Rule 25 of the Bowls New Zealand Constitution, this Regulation has been adopted by the Board as a Regulation of Bowls New Zealand with effect from 14 September 2019.

#### **2. Purpose**

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- 2.1 Bowls New Zealand is committed to maintaining the fundamental character of sporting competition as an honest test of skill and ability and to prevent Match-Fixing from undermining the integrity of Bowls.
- 2.2 In this Regulation, Match-Fixing involves improperly taking any action to influence the overall result, or any part of, a Bowls Competition (as defined in this Regulation) for financial or other benefit; rather than solely for genuine medical or Sporting Tactical Reasons. It is usually associated with corrupt gambling practices such as placing Bets on arranged outcomes for financial return. However, Match-Fixing can also involve a range of associated activities. Match-Fixing activities prohibited under this Regulation are set out in clause 7 (Prohibited Conduct).
- 2.3 The purpose of this Regulation is:
- (a) to protect and maintain the integrity of Bowls;
  - (b) to protect Bowls against any efforts to improperly influence the result, or any aspect, of any Bowls Competition;
  - (c) to establish uniform rules and a consistent scheme of enforcement and penalties
  - (d) to generally align with the New Zealand Regulation on Sports Match-Fixing and Related Corruption developed by Sport New Zealand (Sport NZ) and in doing so, comply with the NZOC's Integrity Regulation and Sport NZ's investment requirements;
  - (e) to capture Match-Fixing as an offence; and,
  - (f) not intended to capture as an offence, a situation where a player or team deliberately loses, under performs or competes in a manner in which the

player or team intends will help obtain a more favourable sports outcome, for example, a more favourable draw in a competition. This type of activity may be regarded as Misconduct, for example, where a Member deliberately loses or attempts to lose a Game of Bowls or plays unfairly (as defined in the Bowls New Zealand Constitution) or may be prohibited by other rules or regulations of Bowls New Zealand.

2.4 This Regulation establishes anti-Match-Fixing rules applicable to a Bowls Competition. A Bowls Competition means:

- (g) any National Event (as defined in the Bowls New Zealand Constitution) namely:
- (h) “a bowls event held by, or under the auspices of, or administered by Bowls New Zealand (and held at a Centre or Club venue as determined by Bowls New Zealand)”; and,
- (i) any event, competition or tournament held at International Level (as defined in the Bowls New Zealand Constitution) namely:
- (j) “means during, or in connection with, a Game of Bowls held between New Zealand and another country or region situated outside of New Zealand, or which involves individuals who are Appointed Personnel appointed by the Board, Officers appointed or elected in accordance with this Constitution, and/or National Representatives whether or not connected to a Game of Bowls.”

2.5 Appendix F contains a flow-diagram of the key process steps of this Regulation. In brief, the enforcement process (not including processes of the New Zealand Police or other agencies) is as follows:

- (k) information is investigated by an Integrity Officer (a person designated by the NSO – which is Bowls New Zealand)
- (l) the Integrity Officer forwards their report and recommendation to an Integrity Review Officer (a person designated by the NSO – which is Bowls New Zealand) who considers the material, together with material received from the person investigated and then:
- (m) decides whether or not low-level offences have been committed and, if so, imposes a warning and reprimand only; or
- (n) decides that no offences have been committed in which case the matter is at an end; or
- (o) decides whether the Integrity Officer is required to refer serious matters to an Integrity Tribunal.
- (p) the Integrity Tribunal (a panel appointed by the NSO – which is Bowls New Zealand) conducts hearings, makes decisions on matters referred to it and on any appeals against Integrity Review Officer decisions and imposes sanctions where appropriate.
- (q) there are some rights to appeal decisions of the Integrity Review Officer and the Integrity Tribunal.

### **3. Commencement Date**

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3.1 This Regulation shall take effect and come into force on 14 September 2019.

#### **4. Status of Regulation**

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- 4.1 This Regulation is made by the Board and may be amended by the Board, provided that, as a minimum, this Regulation is aligned, to an extent satisfactory to Sport NZ, with the following requirements in Sport NZ's model NSO Anti-Match-Fixing and Sports Betting Policy:
- (a) the offences in clause 7;
  - (b) the educational requirements in clause 8;
  - (c) the sanctions associated with Prohibited Conduct listed in clause 18;
  - (d) including within the Relevant Persons identified in the attached Schedule 1, the minimum classes of persons as required by Schedule 1 of Sport NZ's model NSO Anti-Match-Fixing and Sports Betting Regulation.
- 4.2 The Board may, in its sole discretion, delegate any or all of its powers under this Regulation, including, but not limited to, the power to adopt, apply, monitor and enforce this Regulation.
- 4.3 Conduct prohibited by this Regulation may also be a criminal offence and/or a breach of other applicable Bowls laws, rules or regulations. This Regulation is intended to supplement other laws, Bowls rules and regulations and does not replace, prejudice or undermine in any way the application of Bowls rules and regulations. People to whom this Regulation applies must comply with all applicable laws and regulations at all time.
- 4.4 Subject to clauses 4.5 and 4.6, nothing in this Regulation, waives or limits the application of the Bowls New Zealand Constitution, or any other Regulations to any conduct which is not Prohibited Conduct but may be related to, arise out of, or be connected with conduct that is Prohibited Conduct, for example to play Bowls unfairly.
- 4.5 In the event that an allegation of Prohibited Conduct includes conduct which is also alleged to be Misconduct (under the Bowls New Zealand Constitution) and is referred to the Bowls New Zealand Judicial Committee:
- (a) the Integrity Tribunal shall decide whether or not it has jurisdiction to hear and decide the allegation of Prohibited Conduct; and if it decides that it does;
  - (b) the Integrity Tribunal may, with the agreement of the Bowls New Zealand Judicial Committee, hear both allegations by way of a joint hearing with the Bowls New Zealand Judicial Committee, but the Integrity Tribunal and Bowls New Zealand Judicial Committee shall each decide whether or not an offence has been committed and any sanction to be imposed in accordance with the respective applicable Constitution and/or regulations; or
  - (c) the Bowls New Zealand Judicial Committee may adjourn the proceedings before it, until the conclusion of the proceedings before the Integrity Tribunal (including any appeals).
- 4.6 Nothing in this Regulation waives or limits the application of the World Bowls regulations in dealing with any conduct within its jurisdiction, including match fixing and betting. To the extent of any inconsistency between this Regulation and those of World Bowls, the latter shall apply.
- 4.7 In the event that an allegation of Prohibited Conduct is under the jurisdiction of World Bowls and the allegation is referred to the Disciplinary Committee of World Bowls, no proceedings (other than proceedings for a Provisional Suspension) shall be commenced before the Integrity Tribunal under this Regulation or the Bowls New Zealand Judicial Committee, until the conclusion of the proceedings before the World Bowls Disciplinary Committee (including any appeals).

## 5. Application of Regulation

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- 5.1 This Regulation applies to, and is binding on, all “Relevant Persons”, listed in Schedule 1 of this Regulation.
- 5.2 By virtue of obligations arising in or through membership, employment or other agreement with Bowls New Zealand, Relevant Persons are bound by and are required to comply with this Regulation.
- 5.3 To avoid any doubt, this Regulation does not apply to:
- (a) persons who are not Relevant Persons;
  - (b) persons who are Relevant Persons but do not have a membership, employment or agreement with Bowls New Zealand or a Club; or
  - (c) persons who are Relevant Persons and who have a membership, employment or agreement with Bowls New Zealand or a Club, but such relationship does not include an obligation to comply with this Regulation.

## 6. Definitions

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- 6.1 The words and phrases used in this Regulation shall have the same meaning as defined in the Bowls New Zealand Constitution, unless specified otherwise in this Regulation.
- 6.2 The following words and phrases used in this Regulation shall mean as follows:

**Attempt:** Purposely engaging in an act(s) and/or omission(s) which are more than mere preparation, and which constitute a real and substantial step(s) towards the commission of an offence under this Regulation, whether or not an offence was actually committed or whether or not in the circumstances it was possible to commit an offence.

**Benefit or Reward:** Any direct and/or indirect monetary and/or non-monetary bribe(s), gain(s), benefit(s), gift(s) and/or advantage(s), including, without limitation, winnings and/or potential winnings as a result of a Bet(s). This does not include official prize money and/or legitimate contractual payments authorised by Bowls New Zealand for participating in Bowls Competitions, any services, sponsorship, endorsements and/or similar payments.

**Bet:** A bet, wager, or other form of financial speculation.

**Betting:** Making, accepting, or laying a Bet, including (without limitation) activities commonly referred to as sports betting, such as fixed and running odds, totalisator/toto games, live betting, betting exchanges, spread betting, and other games offered by sports betting operators.

**Bowls:** means the Game of Bowls.

**Bowls Competition:** has the meaning given to it in clause 2.4 of this Regulation.

**Competition Under the Jurisdiction of, or Connected to, Bowls New Zealand:**

A Bowls Competition arranged, hosted or controlled by Bowls New Zealand, or in which any Relevant Person of Bowls New Zealand is participating, including any part of a Bowls Competition in which any Relevant Person is participating, whether any Relevant Person is participating in a particular part of the Bowls Competition or not. To avoid doubt, where a Bowls Competition is, for example,

an international competition forming part of an international series of international events, all other games and events in that international competition are also covered by this Regulation (subject to clauses 4.6 to 4.8 of this Regulation).

**Court of Arbitration for Sport (CAS):**

The Court of Arbitration for Sport (CAS), which is the court established by the International Olympic Committee to resolve sports related disputes and which operates under the Code of Sports Related Arbitration.

**Inside Information:** Any information considered to be not available to or not known by the public relating to any Bowls Competition, team, player or any aspect connected with any of these, that a person has because of their position within Bowls New Zealand or connection to Bowls New Zealand. This could include, without limitation, such information as a Bowls team's actual or likely membership composition, the fitness of individual players, or planned tactics.

**Integrity Officer:** A person or persons designated to act as an Integrity Officer of Bowls New Zealand.

**Integrity Review Officer:**

A person designated to perform the role of Integrity Review Officer by Bowls New Zealand.

**Integrity Tribunal:** The Tribunal comprising persons who are appointed by the Board, (pursuant to rule 18.2.17 of the Bowls New Zealand Constitution) to sit on the Integrity Tribunal of Bowls New Zealand.

**Match-Fixing:** Improperly influencing or otherwise taking action which could cause the occurrence of a particular incident, outcome, result or anything else in a Bowls Competition, and for which any money, Benefit or Reward (including associated with a betting arrangement) is expected or received; other than solely for genuine medical or Sporting Tactical Reasons. While often associated with corrupt gambling practices, such as placing bets on arranged outcomes for financial return, it can also involve a range of associated activities.

**Notice of Charge:** Document initiating offence proceedings to be heard by the Integrity Tribunal.

**Parties:** The Parties to offence proceedings which may include, as appropriate, the Relevant Person, the Integrity Officer and/or Bowls New Zealand officers and representatives of the Parties, if any.

**This Regulation:** This Anti-Match-Fixing Regulation of Bowls New Zealand.

**Prohibited Conduct:** Conduct which constitutes an offence under this Regulation as listed in clauses 7.2 to 7.7.

**Provisional Suspension:**

An order made by the Integrity Tribunal, Sports Tribunal or CAS, which temporarily prohibits a Relevant Person from competing or participating in any Bowls Competition or other activities associated with Bowls New Zealand, as set out in C4i of Appendix C, until the Integrity Tribunal, Sports Tribunal or CAS, makes a final decision regarding whether the Relevant Person has committed the offence(s) alleged under this Regulation.

- Relevant Persons:** Those persons and/or categories of persons as defined from time to time by the Board and who are listed in Schedule 1 of this Regulation.
- Respondent:** A Relevant Person investigated under this Regulation.
- Sporting Tactical Reasons:**  
Reasons for action taken in a Bowls competition in situations which, by reference to clause 2.3f are not intended to be captured as offences in this Regulation. Such situations include, for example, where a player or team deliberately loses, underperforms or plays in a manner which the player or team intends will help obtain a more favourable sports outcome, for example, a more favourable draw in a competition.
- Sport New Zealand or Sport NZ:**  
Sport and Recreation New Zealand, the crown entity established under the Sport and Recreation Act 2002. This entity was formerly known as SPARC.
- Sports Tribunal:** The Sports Tribunal of New Zealand, which is an independent statutory entity, as continued under the Sports Anti-Doping Act 2006.
- Substantial Help:** In the context of clause 18.4a.vii, a Relevant Person provides Substantial Help if they:  
(1) fully disclose in a signed witness statement all information that they possess regarding offences under this Regulation, offences under other anti-Match-Fixing / anti-corruption regulations, offences relating to other professional rules and the commission of relevant criminal offences and  
(2) cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by Bowls New Zealand or other relevant body. Further, the information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.
- Suspension:** A sanction set out in clause 18.5f. that may be imposed on a Relevant Person, who has committed an offence under this Regulation.
- Table of Sanctions:** The table set out at the end of clause 18.4.

## **7. Prohibited Conduct**

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7.1. This Regulation prohibits a Relevant Person engaging in the conduct and activities listed in this clause 7. Any Relevant Person who engages directly or indirectly, alone or in conjunction with another or others in the listed conduct and activities commits an offence in breach of this Regulation and will be subject to sanctions.

### **7.2. Corruption**

No Relevant Person shall:

- (a) fix, contrive, improperly influence or otherwise take action which could cause the occurrence of a particular incident, outcome, result or anything else in a Bowls Competition, and for which any money, Benefit or Reward (including associated with a Betting arrangement) is expected or received; other than solely for genuine medical or Sporting Tactical Reasons;



- (b) pay or accept, or seek or offer or agree to pay or accept, any bribe or other reward to fix, contrive, or otherwise improperly influence the occurrence of a particular incident, outcome, result or any other aspect in a Bowls Competition;
- (c) fail, for any money, Benefit or Reward (including associated with a Betting arrangement), to perform as reasonably expected to their abilities in, or withdraw completely from, any Bowls Competition, other than solely for genuine medical or Sporting Tactical Reasons.

### **7.3. Betting**

No Relevant Person shall Bet, gamble or enter into any other form of financial speculation on any Bowls Competition Under the Jurisdiction of, or Connected to, Bowls New Zealand<sup>1</sup> ;

### **7.4. Misusing Inside Information**

No Relevant Person shall:

- (a) use, or provide to any person, Inside Information<sup>2</sup> where it might reasonably be expected the information could be used for Betting purposes;
- (b) pay or accept, or seek or offer or agree to pay or accept, any bribe or other Benefit or Reward for Inside Information;
- (c) to avoid doubt, this does not prevent the appropriate use or disclosure of Inside Information for genuine business or organisational purposes related to Bowls New Zealand such as: communications between Bowls New Zealand personnel for those purposes; necessary communications with other relevant sports sector personnel for those purposes; media interviews and other public commitments;
- (d) to avoid doubt, nothing in clause 7.4a. is intended to prohibit any such disclosure made within a personal relationship (such as to a member of the Relevant Person's family) where it is reasonable for the Relevant Person to expect that such information can be disclosed in confidence and without being subsequently used for Betting, and where the person who is told the information is also told it cannot be shared with another person.

### **7.5. General Offences**

No Relevant Person shall:

- (a) receive, take an action with the expectation of receiving, or provide or offer to provide any Benefit or Reward (for example a gift) in circumstances that might reasonably give the impression that the Relevant Person is involved in, influenced by, or connected with any Prohibited Conduct;
- (b) tamper with, obstruct, delay and/or destroy any evidence, potential evidence, documentation and/or information which may be relevant to a breach (actual or potential), and/or an investigation, under this Regulation;
- (c) engage in any other form of corrupt conduct, regarding any Bowls Competition Under the Jurisdiction of, or Connected to, Bowls New Zealand.

### **7.6. Further offences relating to Prohibited Conduct in clauses 7.2 – 7.5**

No Relevant Person shall:

- (a) knowingly help with, cover up or otherwise be complicit in any Prohibited Conduct listed in clauses 7.2 – 7.5;

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<sup>1</sup> "Competition Under the Jurisdiction of, or Connected to, Bowls New Zealand" is defined in clause 13.5.1

<sup>2</sup> "Inside Information" is defined in clause 6.2.

- (b) induce, instruct, encourage or facilitate anyone to engage in any Prohibited Conduct listed in clauses 7.2 – 7.5;
- (c) attempt to engage, or agree with any other person (whether a Relevant Person or not) to engage, in any Prohibited Conduct listed in clauses 7.2-7.5, whether or not such Attempt or agreement in fact resulted in the commission of an offence or breach under this Regulation or whether or not, in the circumstances, it was possible to commit such an offence or breach;
- (d) engage in any conduct relating directly or indirectly to any Prohibited Conduct listed in clauses 7.2 – 7.5, which is prejudicial to the interests of Bowls New Zealand or which brings the person engaging in the conduct, or Bowls New Zealand, into disrepute.

**7.7. Failure to disclose information or cooperate with investigations**

No Relevant Person shall:

- (a) fail to promptly disclose to Bowls New Zealand full details of facts and circumstances of which they are aware, including any acts, incidents, approaches, invitations or threats relating to themselves or any other person regarding any Prohibited Conduct;
- (b) fail to cooperate fully with any reasonable investigation carried out by Bowls New Zealand regarding any alleged breach of this Regulation, including providing any requested information.

**7.8. Circumstances not amounting to Prohibited Conduct**

To avoid doubt, none of the measures in clause 7 or otherwise specified in this Regulation prevent:

- (a) taking action solely for genuine medical or Sporting Tactical Reasons;
- (b) investment in, or financial support for, a team or player in accordance with legitimate commercial practices.

**7.9. Factors not relevant in determining whether an offence has been committed**

The following factors are not relevant in determining whether an offence has been committed or not under this Regulation (although they may be relevant to the appropriate sanction to be imposed):

- (a) the Relevant Person was not participating in the Bowls Competition to which the offence is alleged to relate;
- (b) the nature or outcome of any Bets in issue;
- (c) the outcome of the Bowls Competition in question or of any aspect of it on which Bets were made;
- (d) whether or not any Benefit or Reward was actually given or received;
- (e) whether or not the Benefit or Reward was intended for, given to, expected by, or received by, the Relevant Person or another associated person, for example a family member, friend or someone the Relevant Person wishes to benefit;
- (f) whether or not any of the results in, or any aspect of, the Bowls Competition in question were (or could have expected to have been) affected by any act or omission in question.

**7.10. Other enforcement**

Clause 7 does not prevent enforcement of any other rules or the referral of Prohibited Conduct to the New Zealand Police or other law enforcement agencies.

### **7.11 Criminal offences**

Any information or reports on alleged Prohibited Conduct by a Relevant Person, or activity by anyone outside the sport, which the Integrity Officer or Integrity Review Officer considers may be a criminal offence, must be immediately referred, by the Integrity Officer, to the New Zealand Police (the Crime Regulation & Project Officer, National Criminal Investigations Group, Police National Headquarters, 180 Molesworth Street, P O Box 3017, Wellington, phone (04) 474 9499). The Integrity Officer must also inform the Chief Executive and Board and the Chief Executive Officer of Sport NZ of this report to the New Zealand Police.

## **8. Education**

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- 8.1. Bowls New Zealand will use all reasonable efforts to ensure that education about this Regulation and its application to Bowls, is provided to all Relevant Persons to enable them to clearly understand Bowls New Zealand's requirements regarding Match-Fixing rules and to be aware of risk management strategies. Education about this Regulation will:
- (a) be made available and provided to all Relevant Persons, the Board and Bowls New Zealand management via the Bowls New Zealand website;
  - (b) be made available via the Bowls New Zealand website to as wide a range of persons as feasible including players, coaches, support staff, administrative staff, umpires, other officials and player agents;
  - (c) include the content of this Regulation and any other relevant information concerning Match-Fixing that Bowls New Zealand considers appropriate;
  - (d) be updated regularly.

## **9. Integrity Officer**

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- 9.1. Bowls New Zealand must designate at least one Integrity Officer who will be responsible for matters relating to overseeing Bowls New Zealand's anti-Match-Fixing measures, including performing functions and duties set out in this Regulation.
- 9.2. The Integrity Officer will be the Chief Executive, unless the Board decides otherwise.

## **10. Integrity Review Officer**

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- 10.1. An Integrity Review Officer designated by Bowls New Zealand will be responsible for functions set out in this Regulation, including reviewing and making decisions regarding material, reports, decisions, recommendations and submissions received from an Integrity Officer and/or a Relevant Person.
- 10.2. The Integrity Review Officer role and process is set out in Appendix A.

## **11. Integrity Tribunal**

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- 11.1. In accordance with its powers under rule 18.2.17 under its Constitution, the Board shall from time to time appoint persons with appropriate skills and experience to sit on the Bowls New Zealand Integrity Tribunal to consider allegations referred to it

pursuant to this Regulation. Integrity Tribunal members will be appointed for such time and such purposes as the Board thinks fit.

- 11.2. The Board will appoint one of the Integrity Tribunal members as Chairperson.
- 11.3. Matters referred to the Integrity Tribunal shall be heard and decided in accordance with the Disciplinary Procedure and Process set out in Appendix C.

## **12. Burden and Standard of Proof**

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- 12.1. The Integrity Officer has the burden of establishing that an offence under this Regulation has been committed and/or that a Provisional Suspension is appropriate.
- 12.2. In offences determined by the Integrity Review Officer and in matters being heard by the Integrity Tribunal, the standard of proof required is that the Integrity Review Officer or Integrity Tribunal is *comfortably satisfied*. This standard of proof is greater than a balance of probability but less than proof beyond a reasonable doubt.
- 12.3. A Relevant Person found to have committed an offence is, in regard to some offences, eligible for the “Lower range of sanctions” as recorded in the Table of Sanctions but only if the Relevant Person establishes, on the balance of probability, the mitigating factor set out in clause 18.4a.xii. or 18.4a.xiii.

## **13. Reporting Process**

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- 13.1. It is fundamental to the operation of this Regulation that Relevant Persons or any other person associated with Bowls New Zealand, report a suspected Match-Fixing breach to Bowls New Zealand as soon as practicable.
- 13.2. Except as required below, a Relevant Person must promptly report to the Integrity Officer or ensure a report is made to the Integrity Officer of, any acts, incidents, approaches, invitations or threats relating to them or any other person regarding any Prohibited Conduct. This includes reporting that:
  - (a) the Relevant Person is interviewed as a suspect, charged, or arrested by the New Zealand Police regarding conduct that would amount to an allegation of Prohibited Conduct under this Regulation;
  - (b) the Relevant Person is approached by another person to engage in conduct that is Prohibited Conduct;
  - (c) the Relevant Person knows or reasonably suspects that another person has engaged in conduct, or been approached to engage in conduct, that is Prohibited Conduct;
  - (d) the Relevant Person has received, or is aware or reasonably suspects that another person has received, actual or implied threats of any nature regarding past or proposed conduct that is Prohibited Conduct;
  - (e) the Relevant Person is aware or reasonably suspects that there is deliberate avoidance in Bowls New Zealand of acknowledging and acting on any Prohibited Conduct, in which case the report must be made to the Chief Executive Officer of Sport New Zealand.
- 13.3. If a Relevant Person wishes to report the Integrity Officer for involvement in conduct that is Prohibited Conduct under this Regulation, then the Relevant Person must report the conduct to the Chair of the Board.

- 13.4. If the Relevant Person wishes to report the Chief Executive (who is also the Integrity Officer) and the Chair of the Board, then the Relevant Person must report the conduct to the Chief Executive Officer of Sport NZ.
- 13.5. Where a Relevant Person makes a report to the Chief Executive, Chair of the Board, or Chief Executive Officer of Sport NZ as above, those persons to whom the report was made may refer the report to another Integrity Officer designated by Bowls New Zealand. Where there is not another Integrity Officer, then the Chief Executive, Chair of the Board, or Chief Executive Officer of Sport NZ may designate another person to fill that role. If the report relates to clause 13.2e, the Chief Executive Officer of Sport NZ will determine how to deal with the report and may, but is not required to, refer the report to an Integrity Officer.
- 13.6. A report by a Relevant Person may be made verbally or in writing. However, the Integrity Officer (or Chief Executive or the Chair of the Board) must record the report in writing in a Match-Fixing incidents register within 48 hours of receiving it, and promptly forward a copy of that written record to:
- (a) the Chief Executive where the notification was made to the Integrity Officer under clause 13.2
  - (b) the Chair of the Board, where the notification was made to the Chief Executive under clause 13.3
  - (c) the Chief Executive of Sport NZ, where the notification was made to the Chair of the Board under clause 13.3.
- 13.7. Any report by a Relevant Person and any record of it under this clause will be dealt with confidentially by Bowls New Zealand unless disclosure is otherwise required or permitted under this Regulation, by law, or if the allegation of the Prohibited Conduct has already been made public by the Relevant Person who made the report and Bowls New Zealand considers that, in the circumstances, the reasons for disclosure outweigh the reasons for non-disclosure.
- 13.8. In particular, the Integrity Officer must use their best endeavours not to disclose information that might identify the Relevant Person who has made the report unless:
- (a) the Relevant Person consents in writing to the disclosure of that identifying information; or
  - (b) the Integrity Officer reasonably believes that disclosure of identifying information:
    - i. is essential to enable an effective investigation; or
    - ii. is essential to prevent serious risk of harm to any person; or
    - iii. is essential having regard to the principles of natural justice.
- 13.9. A Relevant Person must not, by reason of having made a report about another person under this Regulation, be subject to retaliatory action by Bowls New Zealand, and if a Bowls New Zealand employee, must not be disadvantaged in their employment.
- 13.10. Subject to law, the protections in clause 13.9 will not apply where an investigation establishes that the person has intentionally made a false report, or made their report in bad faith.
- 13.11. A Relevant Person has a continuing obligation to report any new knowledge or suspicion regarding any conduct that may amount to Prohibited Conduct, even if the Relevant Person's prior knowledge or suspicion has already been reported.

**14.1. Responsibilities of Integrity Officer**

- (a) The Integrity Officer is responsible for investigating any alleged breach of this Regulation. Subject to clauses 13.3 – 13.5, any allegation or suspicion of a breach of this Regulation, whatever the source, shall be referred to the Integrity Officer.
- (b) Following receipt of a report or other information, the Integrity Officer must do one of the following:
  - i. refer to the New Zealand Police (the Crime Regulation & Project Officer, National Criminal Investigations Group, Police National Headquarters, 180 Molesworth Street, P O Box 3017, Wellington, phone (04) 474 9499), any report or information involving conduct which may be a criminal offence, inform the Chief Executive and Board and the Chief Executive Officer of Sport NZ of this referral and if considered appropriate, after taking into account any advice as to the next steps from the New Zealand Police, decide to investigate; or
  - ii. decide not to investigate (for example, but not limited to, where the report or information is frivolous or where the conduct complained of would not amount to a breach of this Regulation or any relevant law); or
  - iii. decide to investigate.
- (c) If the Integrity Officer decides not to investigate, the Integrity Officer must provide a written report of the conduct complained of, the decision and reasons for the decision to the Integrity Review Officer and, apart from reporting under clause 13.6, no further action need be taken by the Integrity Officer unless the Integrity Review Officer decides otherwise.

**14.2. Investigation by Integrity Officer**

- (a) The Integrity Officer must investigate the activities of any Relevant Person who the Integrity Officer believes may have committed a breach of this Regulation or where the Integrity Review Officer decides that the Integrity Officer must investigate.
- (b) Investigations may be conducted in conjunction with, and information obtained in investigations may be shared with World Bowls and/or other national Bowls organisations internationally, Sport New Zealand and/or other relevant authorities (including criminal justice, administrative, professional and/or judicial authorities) but subject to any applicable laws in New Zealand.
- (c) The Integrity Officer may collect information relevant to the investigation. The collection of information will be subject to the privacy policies (if any) of Bowls New Zealand and to applicable New Zealand law (such as the Privacy Act 1993). The Integrity Officer may:
  - i. only access personal information to which consent has been provided under this Regulation (and any applicable privacy Regulation) or is otherwise able to be lawfully collected under applicable legislation;
  - ii. make a request of the Relevant Person to provide any other information;
  - iii. request the Relevant Person to make a written statement setting out in detail all of the facts and circumstances of which the Relevant Person is aware regarding the alleged breach.

- (d) Nothing in this Regulation shall require a Relevant Person to surrender any rights under New Zealand law or in any applicable agreement between Bowls New Zealand and the Relevant Person that they have not otherwise agreed to surrender pursuant to this Regulation.
- (e) Any Integrity Officer investigation must be undertaken in accordance with any relevant provisions in any applicable agreement between Bowls New Zealand and the Relevant Person. In particular, the Integrity Officer will:
  - i. provide the Relevant Person with information in their possession relevant to the investigation, subject to any applicable legal obligations;
  - ii. allow the Relevant Person an appropriate opportunity to consider and respond to that information.
- (f) Subject to clauses 13.2d and e, Relevant Persons shall cooperate fully with, and shall provide all reasonable help to, the Integrity Officer in any investigation. A failure to co-operate may, depending on the circumstances, constitute an offence under this Regulation.
- (g) As overriding principles:
  - i. if at any time during an investigation the Integrity Officer becomes aware of any matter which may constitute criminal wrongdoing, the Integrity Officer must immediately refer any relevant information to the New Zealand Police (the Crime Regulation & Project Officer, National Criminal Investigations Group, Police National Headquarters, 180 Molesworth Street, P O Box 3017, Wellington, phone (04) 474 9499) and take direction from that agency about the way in which the Integrity Officer should continue to proceed;
  - ii. provided always that the Integrity Officer must comply with all relevant obligations under this Regulation, any investigation must be concluded promptly and efficiently.

**14.3. Completion of Investigation/Submissions to Integrity Review Officer**

- (a) Following completion of the investigation, the Integrity Officer must provide all relevant material obtained in the investigation, the Integrity Officer's written report of the investigation and recommendations as to how the complaint shall be dealt with, to the Integrity Review Officer and to the Relevant Person who is being investigated (the Respondent).
- (b) Not later than 14 days after receipt of the material, report and recommendations from the Integrity Officer, the Respondent may provide to both the Integrity Officer and to the Integrity Review Officer any additional material that they believe is relevant and their written submission regarding the complaint.

**15. Integrity Review Officer Role and Process / Appeal Against Decision of Integrity Review Officer**

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**15.1. Integrity Review Officer Decision**

- (a) The Integrity Review Officer must, as set out in Appendix A, review and make decisions regarding material submitted to the Integrity Review Officer

**15.2. Appeal against Integrity Review Officer Decision**

- (a) The Respondent (Relevant Person investigated) has a right of appeal against a decision of the Integrity Review Officer that an offence under this Regulation has been established for which a sanction of a warning and reprimand only is imposed.
- (b) Any appeals shall be heard by the Integrity Tribunal as a full hearing, where the Integrity Tribunal will hear all the evidence and make its own decision.
- (c) Further provisions in relation to the appeal and the appeal process are set out in Appendix B.
- (d) To avoid doubt, the Integrity Officer/ Bowls New Zealand does not have a right of appeal against a decision of the Integrity Review Officer.

**16. When Integrity Officer Must Refer Matter to Integrity Tribunal**

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**16.1. Integrity Officer must refer the matter to the Integrity Tribunal**

Where the Integrity Review Officer has notified the Integrity Officer that:

- (a) there is sufficient evidence supporting that a Relevant Person has committed a corruption offence as listed in clause 7.2 or a further offence under clause 7.6 relating to Prohibited Conduct in clause 7.2; or
- (b) there is sufficient evidence supporting that a Relevant Person has committed a non-corruption offence under clauses 7.3 – 7.7 and the offending is serious enough to warrant a sanction other than a warning and reprimand only;

the Integrity Officer must refer the matter to the Integrity Tribunal as set out below.

- (c) The Integrity Officer shall send to the Integrity Tribunal and Relevant Person alleged to have committed an offence, written notice ("the Notice of Charge") of the following:



- i. that the Relevant Person is alleged to have committed an offence, and has a case to answer, under clause 7.6;
- ii. the specific offence(s) that the Relevant Person is alleged to have committed;
- iii. details of the alleged acts and/or omissions relied upon in supporting the allegation that the Relevant Person has committed an offence(s);
- iv. the range of sanctions applicable under this Regulation if it is established that the Relevant Person has committed the alleged offence(s);
- v. in the case of an alleged offence other than a corruption offence under clause 7.2 or a further offence under clause 7.6 relating to Prohibited Conduct in clause 7.2, that the Integrity Review Officer considers that the level of offending is serious enough to justify a sanction other than a warning and reprimand only
- vi. information concerning the Relevant Person's rights and the procedure for the Relevant Person to respond to the Notice of Charge (as set out in Appendix C: C2).

**16.2. Application for Provisional Suspension**

- (a) Where the Integrity Officer files a Notice of Charge against a Relevant Person with the Integrity Tribunal, the Integrity Officer may at the same time, or at a later date, and must, if required to do so by the Integrity Review Officer, also apply to the Integrity Tribunal for the Provisional Suspension of the Relevant Person until the Integrity Tribunal is able to determine the matter.
- (b) Where the Integrity Officer applies for Provisional Suspension, they must copy the Provisional Suspension application to the Relevant Person and those persons referred to in A6a.iii., iv. or v. of Appendix A (as applicable).

**17. Disciplinary Procedure and Process – Integrity Tribunal**

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- 17.1. Matters referred to the Integrity Tribunal by the Integrity Officer or on appeal of a decision of the Integrity Review Officer shall be heard and decided in accordance with the Disciplinary Procedure and Process set out in Appendix C.

**18. Sanctions**

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**18.1. Sanction of a warning and reprimand imposed by the Integrity Review Officer**

- (a) Where the Integrity Review Officer imposes a sanction under Appendix A, it must be a sanction of a warning and reprimand only.

**18.2. Sanction imposed by Integrity Tribunal**

- (a) Where in relation to matters referred to the Integrity Tribunal:
  - i. the Relevant Person admits they have committed the offence(s); or
  - ii. the Integrity Tribunal determines a Relevant Person has committed the offence(s);

- iii. the Integrity Tribunal must impose an appropriate sanction on the Relevant Person for the particular offence(s) from the column headed “Range of Sanctions for Each Offence” in the Table of Sanctions; and

the Integrity Tribunal may, in its discretion, but is not required to, impose additional sanctions from the column headed “Additional Sanctions the Integrity Tribunal may Impose” in the Table of Sanctions;

- (b) To determine the appropriate sanction applicable in each case, the Integrity Tribunal must first determine the relative seriousness of the offending;
- (c) In determining the relative seriousness of the offending, the Integrity Tribunal shall take into account aggravating and mitigating factors and shall identify which (if any) of those factors apply in this case;
- (d) The Integrity Tribunal shall detail the effect of the relevant aggravating and mitigating factors on the final sanction in its written decision;
- (e) The “Lower range of sanctions” in the Table of Sanctions apply only if the requirements of clause 12.3 are satisfied. To avoid doubt, the mitigating factors referred to in clause 12.3 may be raised as mitigating factors but cannot be used to access the “Lower range of sanctions” unless clause 12.3 is satisfied.

### 18.3. **Aggravating Factors**

- (a) In determining the relative seriousness of the offending in each case, the Integrity Review Officer or the Integrity Tribunal shall identify and take into account which, if any, of the following aggravating factors apply:
  - i. the Relevant Person has a high degree of fault in relation to the offence(s);
  - ii. a lack or low level of genuine remorse on the part of the Relevant Person;
  - iii. the Relevant Person has previously been found guilty of an offence under this Regulation or any predecessor of this Regulation;
  - iv. the Relevant Person has previously been found guilty of any Match-Fixing or similar offences and/or breaches under any laws, policies or regulations of any other body;
  - v. the amount of any Benefit, or Reward, directly or indirectly received by the Relevant Person as a result of the offence(s), is substantial and/or where the sums of money otherwise involved in the offence(s) are substantial;
  - vi. the offence substantially damaged (or had the potential to damage substantially) the reputation of, the commercial value of and/or public interest in the relevant Bowls Competition(s);
  - vii. the offence affected (or had the potential to affect) the result of the relevant Bowls Competition(s);
  - viii. the welfare of any other person has been endangered as a result of the offence;
  - ix. the offence involved the Relevant Person recruiting, involving or using, or acting with more than one Relevant Person or other persons;

- x. the Relevant Person has not fully co-operated with any investigation and/or the process (regardless of whether this may amount to a separate offence under this Regulation);
- xi. any other aggravating factor(s) that the Integrity Review Officer or Integrity Tribunal considers relevant and appropriate.

18.4.

#### **Mitigating Factors**

- (a) In determining the relative seriousness of the offending in each case, the Integrity Review Officer or Integrity Tribunal shall identify, and take into account, which, if any, of the following mitigating factors apply:
  - i. the Relevant Person has a low degree of fault regarding the offence(s);
  - ii. the Relevant Person has fully co-operated with any investigation and/or the associated process;
  - iii. an admission of guilt and/or genuine remorse by the Relevant Person (the mitigating value of which may depend on its timing);
  - iv. the youth and/or lack of experience of the Relevant Person;
  - v. the offence did not substantially damage (or did not have the potential to substantially damage) the reputation of, commercial value of and/or public interest in the relevant Bowls Competition(s);
  - vi. the offence did not affect (or did not have the potential to affect) the result of the relevant Bowls Competition(s);
  - vii. the Relevant Person provides Substantial Help to any of the following:
    - 1. the Integrity Officer;
    - 2. Bowls New Zealand;
    - 3. another Bowls national federation;
    - 4. World Bowls;
    - 5. a law enforcement agency;
    - 6. a professional disciplinary body;
 that results in any of the following:
    - the discovery or establishment of an offence under this Regulation committed by another Relevant Person;
    - the discovery or establishment of an anti-Match-Fixing or other anti-corruption offence under the laws, rules, regulations or policies of another Bowls organisation or World Bowls committed by another Relevant Person or other third party;
    - the discovery or establishment of a potential or actual criminal offence or the potential or actual breach of professional rules committed by another Relevant Person or a third party;
  - viii. the Relevant Person has already suffered penalties under other laws and/or regulations for the same offence;
  - ix. the Relevant Person has received no benefit;

- x. the diminished mental capacity of the Relevant Person;
- xi. the Relevant Person has been publicly identified prior to an offence being determined, whether by lack of due care by Bowls New Zealand or another reason;
- xii. regarding an Attempt or an agreement which is a further offence under clause 7.6c., the Relevant Person ceases and/or rejects the Attempt or agreement prior to it being discovered by a third party not involved in the Attempt or agreement;
- xiii. the alleged offence was committed (and/or that it was not reported to Bowls New Zealand) due to the Relevant Person's honest and reasonable belief that there was a serious and imminent threat to their life or safety or to the life or safety of any other person;
- xiv. any other mitigating factor(s) that the Integrity Review Officer or Integrity Tribunal considers relevant and appropriate.

## TABLE OF SANCTIONS

Offence	Range of Sanctions for Each Offence	Additional Sanctions the Integrity Tribunal may impose
Corruption: clauses 7.2a, 7.3b, 7.2c	Minimum: Two (2) years suspension Maximum: Lifetime suspension  Lower range of sanctions: from a warning and reprimand up to a maximum of two (2) years suspension - see clause 18.2e	<p><b>AND IN ALL CASES:</b></p> <p>The Integrity Tribunal shall have the discretion to additionally impose:</p> <p>(a) a fine on the Relevant Person up to a maximum of the value of any Benefit or Reward received by the Relevant Person directly or indirectly, out of, or in relation to, the offence committed under this Regulation – paid to Bowls New Zealand or other recipient as determined by the Integrity Tribunal;</p> <p>and/or</p> <p>(b) appropriate further options including without limitation the cancellation of sports results / competitions, demotion, points reduction, return of Benefits or Rewards, replay of fixtures (for example in cases of match official corruption) where risk of fraud has been established or identified, withdrawal of accreditation, exclusion from Match venues and/or official player environs, as appropriate;</p> <p>and/or</p> <p>(c) an order that the Relevant Person pay an amount of costs to Bowls New Zealand</p>
Betting: clause 7.3	Minimum: Warning and reprimand Maximum: Two (2) years suspension	
Misusing Inside Information: clauses 7.4a, 7.4b	Minimum: Warning and reprimand Maximum: Five (5) years suspension	
General Offences: clauses 7.5a, 7.5b, 7.5c	Minimum: Warning and reprimand Maximum: Five (5) years suspension	
Further Offences Relating to Prohibited Conduct in clauses 7.2 – 7.5: clauses 7.6a, 7.6b, 7.6c, 7.6d	The sanctions range will be the same as set out in this table for the particular relevant primary offence in clauses 7.2-7.5  Lower range of sanctions: from a warning and reprimand up to a maximum of two (2) years suspension - see clause 18.2e	
Failure to Disclose or Cooperate: clauses 7.7a, 7.7b	Minimum: Warning and reprimand Maximum: Two (2) years suspension	

**Further Provisions regarding Sanctions**

To avoid doubt:

- (a) The Integrity Tribunal may suspend any sanction for a period of time. The Integrity Tribunal may also stipulate any conditions to relate to the suspended sanction.
- (b) Where a Relevant Person is found guilty of committing two breaches under this Regulation relating to the same incident or set of facts and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively).
- (c) Where a fine and/or costs award is imposed against a Relevant Person, then such fine or costs award must be paid within a reasonable time period specified by the Integrity Tribunal. Bowls New Zealand will consider any request from the Relevant Person, on the grounds of hardship, to make the payment of any fine and/or costs award imposed over a period of time, which may involve instalment payments.
- (d) If a fine or costs award (or agreed part payment or instalment of) is not paid by the date set down by the Integrity Tribunal, or within such deadline or by the time of the next agreed payment date then, unless Bowls New Zealand agrees otherwise, the Relevant Person will be suspended until such payment or part payment is made. Bowls New Zealand may also seek to recover the fine by recovery/enforcement action.
- (e) Any Suspension imposed on a Relevant Person starts on the date that the decision imposing the Suspension is issued:
  - i. provided any period of Provisional Suspension served by the Relevant Person shall be credited against the total period of Suspension to be served; or
  - ii. unless otherwise indicated in the written decision.
- (f) A Relevant Person who is suspended is prohibited, during the period of Suspension, from playing, training as part of a team or a squad, officiating, coaching, selecting, administering and/or otherwise participating or being involved in any capacity in any Bowls Competition, function or other activity (other than authorised anti-corruption education or rehabilitation programmes) that is authorised, organised, sanctioned, recognised or supported in any way by Bowls New Zealand or any Club.
- (g) World Bowls, other international sporting federations, national Bowls organisations in other jurisdictions, other New Zealand-based national sport organisations, or national sport organisations of other sports in other international jurisdictions, will be entitled to give effect to and enforce the above Suspension in their respective jurisdictions regarding other sports, as if the Suspension related to that sport.
- (h) A Relevant Person who is subject to a Suspension shall remain subject to this Regulation during the Suspension period. If the Relevant Person is alleged to have committed an offence under this Regulation during that period, this shall be treated as a separate matter, and separate proceedings will be brought, under this Regulation.
- (i) Once any period of Suspension has expired, the Relevant Person will automatically become re-eligible to participate fully again in games, competitions, tournaments, functions or activities authorised, organised, sanctioned, recognised or supported in any way by Bowls New Zealand or member organisations of Bowls New Zealand provided that the Relevant Person has:

- i. completed a Bowls New Zealand approved anti-Match-Fixing or other anti-corruption programme to the reasonable satisfaction of the Integrity Officer;
  - ii. satisfied in full, any fine and/or costs award made against the Relevant Person regarding an offence under this Regulation, by the Integrity Tribunal, or the Sports Tribunal or the Court of Arbitration for Sport, or has complied and continues to comply with any payment instalment plan agreed or imposed;
  - iii. agreed to be subject to such additional reasonable and proportionate monitoring procedures and requirements as the Integrity Officer may reasonably consider necessary given the scope of the offence committed.
- (j) Where a sanction is determined under this Regulation, with the exception of any right to appeal or right to take any other legal avenues, no further action can be taken regarding the matters investigated and sanctioned.

## **19. Appeal Against Decision of Integrity Tribunal**

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In certain circumstances, a decision of the Integrity Tribunal may be appealed to the Sports Tribunal. This process is set out in Appendix D.

## **20. Public Disclosure and Confidentiality**

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- 20.1. Except as otherwise required by this Regulation, or applicable laws and /or regulations of Bowls New Zealand, the Integrity Officer, Integrity Review Officer, Integrity Tribunal, Relevant Persons and any other Parties to proceedings under this Regulation:
- (a) shall keep all proceedings under this Regulation confidential
  - (b) shall make all efforts within their power to ensure that their family members/associates shall keep all proceedings under this Regulation confidential.
- 20.2. Bowls New Zealand shall not publicly identify any Relevant Person who is alleged to have committed an offence under this Regulation unless and until it has been determined by the Integrity Review Officer or Integrity Tribunal that an offence has been committed, or as allowed under clause 20.2b below.
- (a) If the decision is that an offence has been committed:
    - i. for which a sanction of a warning and reprimand only has been imposed, Bowls New Zealand has a discretion to publicly report the decision;
    - ii. for which a sanction other than a warning and reprimand only has been imposed Bowls New Zealand must publicly report the decision;
    - iii. posting the decision on the Bowls New Zealand website is sufficient to publicly report the decision, provided that in each case Bowls New Zealand must, prior to posting, notify the Chief Executive of Sport New Zealand of the date upon which the posting on the website will be made, if the decision is not appealed;

- iv. public reporting must not occur until any appeal period has lapsed without the decision being appealed and must then occur promptly regarding clause 20.2a.ii above.
- (b) If the Integrity Review Officer or Integrity Tribunal determines that no offence has been committed by the Relevant Person, then the decision may be publicly reported only with the consent of the Relevant Person who is the subject of the decision, unless clause 20.2e applies. Bowls New Zealand shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Relevant Person may approve.
- (c) Bowls New Zealand shall use its best endeavours to ensure that persons under its control do not publicly identify any Relevant Persons who are alleged to have committed an offence under this Regulation, unless and until the Integrity Review Officer or Integrity Tribunal has determined that an offence has been committed, or as allowed under clause 20.2b above.
- (d) However, Bowls New Zealand in its discretion may at any time disclose to other organisations such information as Bowls New Zealand may consider necessary or appropriate to facilitate the administration or enforcement of this Regulation, provided that each organisation provides assurance satisfactory to Bowls New Zealand the organisation will maintain all such information in confidence.
- (e) Bowls New Zealand will not comment publicly on the specific facts of a pending case even if public comments are made by (or on behalf of) the Relevant Person involved in the case or their representatives unless Bowls New Zealand considers that, in the circumstances, the reasons for public comment outweigh the reasons for not making public comment.

## **21. Recognition of Decision**

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- 21.1. Decisions and sanctions of:
  - (a) World Bowls;
  - (b) international federations of other sports;
  - (c) other national Bowls organisations in other international jurisdictions;
  - (d) other national sport organisations of other sports in New Zealand;
  - (e) national sport organisations of other sports in other international jurisdictions;
  - (f) that are based on the same or similar anti Match-Fixing rules or anti-corruption rules shall be recognised, respected and enforced by Bowls New Zealand automatically upon receipt of notice of the same, without the need for further formality.

## **22. Protection and Support Mechanisms**

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- 22.1. Bowls New Zealand will have protection and support mechanisms in place for Relevant Persons who may come in contact with, or be involved in, Match-Fixing activity or to limit risky situations where this might occur. Protection and support mechanisms established may include those listed below and Bowls New Zealand will ensure Relevant Persons are advised of these where in place.
- 22.2. Protection mechanisms



- 22.3. Protection mechanisms that Bowls New Zealand may establish at its discretion include, but are not limited to:
- (a) monitoring Betting accounts of Relevant Persons;
  - (b) monitoring Betting activity on any Bowls Competition Under the Jurisdiction of, or Connected to, Bowls New Zealand;
  - (c) security measures restricting access to participants from non-essential personnel<sup>3</sup> at Bowls Competitions;
  - (d) limiting or prohibiting participants' use of electronic communication devices (phones, computers, tablets etc.) in/at restricted areas/times during Bowls Competition(s);
  - (e) assigning sports officials (especially referees and judges) within as short a period before a Bowls Competition begins as possible;
  - (f) regular scrutiny of referees' and judges' field decisions;
  - (g) paying particular attention to measures to safeguard players who are minors or at Bowls Competitions predominantly involving minors.
- 22.4. Support mechanisms
- Support mechanisms that Bowls New Zealand may enact at its discretion include, but are not limited to:
- (a) having confidential and accessible reporting processes and a 'whistle blower' policy in place to support people coming forward with any relevant information;
  - (b) publicising the contact details (e.g. name, phone number and email address) of the Bowls New Zealand Integrity Officer whom anyone connected with Bowls New Zealand can contact regarding any Match-Fixing related matters, who can assess the situation and offer sound advice, protecting confidentiality where appropriate;
  - (c) pre-determining procedures to keep Relevant Persons safe, who have been approached to engage in Match-Fixing;
  - (d) encouraging players to seek support from their player associations.

## **23. Sports Betting Agreements**

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- 23.1. Under the Racing Act 2003, the New Zealand Racing Board (NZRB) must establish a sports Betting agreement with Bowls New Zealand before the NZRB can offer Betting on 'Authorised Events' agreed to by Bowls New Zealand. Under the Act, the NZRB must also provide a percentage of sports Betting revenue to Bowls New Zealand.
- 23.2. To comply with the requirements of the NZRB's model agreement, Bowls New Zealand will at a minimum have rules relating to Betting in place, which, in particular, must prevent a 'Relevant Person' as defined in the Betting clauses pursuant to the Racing Act, who participates in an Authorised Event, from Betting on that Authorised Event.
- 23.3. Bowls New Zealand will use its Betting agreement to further manage Match-Fixing risks by working with the NZRB to identify Bet types which will be jointly reviewed by Bowls New Zealand and NZRB regularly, over the term of the Betting agreement.
- 23.4. In particular, Bowls New Zealand should consider using its Betting agreement to:

- (a) restrict or prohibit 'spot' Bets (i.e. Bets on particular actions within Bowls Competitions which are more easily manipulated than, for example, overall Bowls Competition results);
- (b) agree with the NZRB that maximum wager amounts are capped at modest levels for the types of Bets or formulae for which associated actions are most easily manipulated, such as 'spot' Bets, if permitted;
- (c) restrict other types of Bets which may have higher risks regarding Match-Fixing, such as Bets on minors or in competitions predominantly involving minors, depending on the circumstances.

23.5. Subject to any legal requirements preventing this, Bowls New Zealand's Betting agreements will also include agreed protocols for timely information and intelligence sharing between Bowls New Zealand and the NZRB to support preventative and investigative measures. Alternatively, separate information sharing agreements may be established.

## **24. Information Sharing and Collaboration**

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24.1. Subject to any legal restrictions, or those relating to confidentiality or privacy, Bowls New Zealand will provide and exchange information, and collaborate regarding any Match-Fixing related matters, via protocols to be agreed, with Sport New Zealand and law enforcement or other relevant agencies including the Serious Fraud Office, New Zealand Police, the Organised and Financial Crime Agency New Zealand, the NZRB and the Department of Internal Affairs or relevant overseas agencies.

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## **SCHEDULE 1: Relevant Persons**

This schedule lists below the "Relevant Persons" to whom this Regulation applies:

- a. players (including players in teams) who are registered to compete in any Bowls Competition (including reserves);
- b. coaches (including head and assistant coaches) of any players/teams described in (a);
- c. event officials (including umpires and technical officials) who are or have been engaged by Bowls New Zealand or other person on Bowls New Zealand behalf for a Bowls Competition;
- d. player support personnel who participate, or are involved, or have participated or been involved in, a Bowls Competition including but not limited to managers, medical and paramedical personnel or other personnel working with, treating or assisting any player participating in or preparing for a Bowls Competition;
- e. Bowls New Zealand Board members, members of other committees of Bowls New Zealand, members of Club committees;
- f. other office holders of Bowls New Zealand, Centres and Clubs, including President, selectors; and
- g. employees and/or independent contractors of Bowls New Zealand, Centres and Clubs.

## **APPENDIX A: Integrity Review Officer Role and Process**

### **A1. The Integrity Review Officer must review and decide the action to be taken (if any) regarding:**

- (a) a report, decision and reasons received from the Integrity Officer under clause 14.1c.; or
- (b) the material, report, recommendations, and submissions (if any) received from the Integrity Officer and the Respondent under clause 14.3.

### **A2. If Integrity Review Officer suspects criminal offending**

- (a) If, following their review under A1 of this Appendix A, the Integrity Review Officer considers there may be a criminal offence, they must require the Integrity Officer to refer the report or information to the designated officer in the New Zealand Police (see clause 7.11), for the Integrity Officer to take advice from the Police on next steps and investigate if appropriate. The Integrity Officer must also inform the Chief Executive and Board and the Chief Executive Officer of Sport NZ of this referral to the New Zealand Police.

### **A3. A decision of the Integrity Review Officer under A1a. of this Appendix A, must be either that:**

- (a) the report or information must be referred by the Integrity Officer to the New Zealand Police under the process outlined in A2a. of this Appendix A, to take advice on next steps from the Police and investigate if appropriate, and the Integrity Officer must also inform the Chief Executive and Board and the Chief Executive Officer of Sport NZ of this referral to the New Zealand Police; or
- (b) the report or information is not to be investigated; or
- (c) the report or information is to be investigated by the Integrity Officer
- (d) and the Integrity Review Officer must report their decision to the Integrity Officer and to such of the persons in A6a.iii. or iv. or v. (as applicable) of this Appendix A.

### **A4. Where no breach of Regulation or insufficient evidence, matter is at an end**

- (a) Where the Integrity Review Officer concludes that no breach of this Regulation has occurred, or there is insufficient evidence to support an allegation of a breach of this Regulation, the matter is at an end, except that a written report must be provided as outlined below. No further action will be taken regarding the matter, subject to any new relevant information coming to the notice of the Integrity Officer or the Integrity Review Officer.

### **A5. Integrity Review Officer must impose a warning and reprimand**

- (a) Where an offence has been established, the Integrity Review Officer must impose a sanction of a warning and reprimand only, provided that:
  - i. the offence is not a corruption offence as listed in clause 7.2 or a further offence under clause 7.6 relating to Prohibited Conduct in clause 7.2; and
  - ii. the offending is considered to be of such a low level of seriousness that a sanction of a warning and reprimand only is justified; and

- iii. in determining the relative seriousness of the offending, and whether a sanction of a warning and reprimand only is appropriate, the Integrity Review Officer must take into account the aggravating and mitigating factors listed in clauses 18.3 and 18.4.

**A6. Integrity Review Officer must report findings**

- (a) Where the Integrity Review Officer decides that no breach of this Regulation has occurred, or, there is insufficient evidence to support an allegation of a breach of this Regulation or an offence has been established where a sanction of a warning and reprimand only is imposed, the Integrity Review Officer shall provide a written report of their findings and recommendations (if any) to:
  - i. the Respondent; and
  - ii. the Integrity Officer; and
  - iii. the Chief Executive (providing the Chief Executive is not also the Integrity Officer or the subject of the decision); or
  - iv. the Chair of the Board (where the Chief Executive is also the Integrity Officer or the subject of the decision); or
  - v. the Chief Executive Officer of Sport NZ (where both the Chief Executive and Chair of the Board are the subjects of the decision).
- (b) Where the Integrity Review Officer decides an offence has been committed and imposes a sanction of a warning and reprimand and the appeal notice period in Appendix B has expired without an appeal being notified, their report of their findings and recommendations (if any) must be sent to the Chief Executive Officer of Sport New Zealand.

**A7 Where there is evidence of a corruption offence in clause 7.2/7.6, or other serious offending, the Integrity Review Officer will require the Integrity Officer to refer the matter to the Integrity Tribunal**

- (a) The Integrity Review Officer must, by notification in writing to the Integrity Officer require the Integrity Officer to refer the matter to the Integrity Tribunal if, following review of the material, report, recommendations and submissions received (if any) under clause 14.3, the Integrity Review Officer decides that there is sufficient evidence supporting that a Relevant Person has committed:
  - i. a corruption offence as listed in clause 7.2 or a further offence under clause 7.6 relating to Prohibited Conduct in clause 7.2; or
  - ii. a non-corruption offence under clauses 7.3 – 7.7 and the Integrity Review Officer considers the offending is serious enough to warrant a sanction other than a warning and reprimand only.
- (b) The Integrity Review Officer must forward a copy of the notification in A7a of this Appendix A to the Chief Executive Officer of Sport NZ.

#### **A8. Provisional Suspension**

- (a) In addition to the requirement under A7, the Integrity Review Officer may also require the Integrity Officer to apply for Provisional Suspension of the Relevant Person until the Integrity Tribunal is able to determine the matter.

### **APPENDIX B: Appeal Against Decision of Integrity Review Officer**

#### **B1. Appeal Notice**

- (a) Respondent's appeal under clause 15 is initiated by the Respondent providing to the Integrity Review Officer and to the Integrity Officer, within 14 days from the date the Respondent received the Integrity Review Officer decision containing reasons, a written notice that the decision is appealed.

#### **B2. Integrity Review Officer refers appeal to Integrity Tribunal**

- (a) Upon receipt of the appeal notice, the Integrity Review Officer refers the appeal notice to the Integrity Tribunal, together with:
  - i. all of the material, written report, recommendations and submissions (if any) received under clause 14.3; and
  - ii. the report of the findings and recommendations (if any) referred to in A6a of Appendix A.

#### **B3. Further provisions relating to appeal**

- (a) C1 - C10 (inclusive) of Appendix C shall apply with all appropriate modification as if the appeal was convened in relation to a Notice of Charge under clause 13.15.1b. and as may otherwise be required by the Integrity Tribunal.

#### **B4. Decision being appealed remains in effect unless Integrity Tribunal decides otherwise**

- (a) Decisions of the Integrity Review Officer appealed to the Integrity Tribunal shall remain in effect and binding pending the Integrity Tribunal's determination of the appeal, unless the Integrity Tribunal decides otherwise.
- (b) Nothing in B4a of Appendix B above prevents a Party to the appeal applying to the Integrity Tribunal to suspend the decision, or any part of the decision, of the Integrity Review Officer until the Integrity Tribunal determines the appeal.

### **APPENDIX C: Disciplinary Procedure and Process - Integrity Tribunal**

#### **C1. Start of Proceedings by Filing Notice of Charge**

- (a) Proceedings are started by the Integrity Officer referring an alleged breach of this Regulation to the Integrity Tribunal by filing a Notice of Charge and serving a copy on the Relevant Person alleged to have committed the breach.
- (b) The Notice of Charge may be served by post, courier, email or facsimile or delivered in person.

- (c) The Integrity Officer will provide written confirmation of both the service of the Notice of Charge on the Relevant Person (i.e. that the Relevant Person has received the Notice of Charge) and the date of service.
- (d) If the Integrity Officer is unable to serve the Notice of Charge on the Relevant Person, the Integrity Officer may apply to the Integrity Tribunal for an order for substituted service, indicating the proposed manner of substituted service which the Integrity Officer believes will bring the Notice of Charge to the attention of the Relevant Person.

## **C2. Response to Notice of Charge**

- (a) The Relevant Person has the right to:
  - i. defend the charge(s) or any of the charges in a hearing; or
  - ii. admit the charge(s) or any of the charges but request the right to participate in a hearing to make submissions as to the appropriate sanction; or
  - iii. admit the charge(s) and advise they do not wish to participate in a hearing to make submissions as to sanction and acknowledge that the Integrity Tribunal may impose a sanction without holding a hearing.
- (b) Within 14 days of the date of service of the Notice of Charge, the Relevant Person shall file in writing with the Integrity Tribunal, and copy to the Integrity Officer and to Bowls New Zealand, their response to the Notice of Charge as set out above.
- (c) If the Relevant Person does not file a response to the Notice of Charge within the 14 day period, or such extended period as may be ordered by the Integrity Tribunal, the Relevant Person will be deemed to have waived their right to participate in a hearing, although the Integrity Tribunal may, in its discretion, subsequently give the Relevant Person leave to participate.

## **C3. Appointment of Integrity Tribunal Hearing Panel**

- (a) Upon the Integrity Tribunal receiving a Notice of Charge, or at a later date, the Chairperson of the Integrity Tribunal shall appoint three members of the Integrity Tribunal to form the Integrity Tribunal panel to hear and decide the allegation.
- (b) The panel of three will usually include the Chairperson. However, if the Panel does not include the Chairperson, the Chairperson will appoint one of the panel members as Chairperson of the panel.
- (c) The appointed members shall be independent of the Parties to the proceedings and shall have had no prior involvement with the case.

#### **C4. Provisional Suspension**

- (a) Where the Integrity Officer has filed an application for Provisional Suspension of the Relevant Person pursuant to clause 16.2, the Integrity Tribunal will consider the application urgently and will normally hold a hearing as soon as practicable to decide whether to impose a Provisional Suspension.
- (b) The Integrity Tribunal will notify the Parties of the time and date of the Provisional Suspension hearing and the form it will take (e.g. in person or by audio or audio-visual means). The Integrity Tribunal may consult with the Parties prior to the Provisional Suspension hearing about any matters necessary to progress the application to a hearing.
- (c) The Integrity Tribunal may decide to not hold a Provisional Suspension hearing if the Relevant Person agrees to accept a Provisional Suspension and if so, will promptly make an order provisionally suspending the Relevant Person.
- (d) In exceptional circumstances (such as that the Relevant Person is due to participate in competition the day after the Provisional Suspension application is filed and hearing the Provisional Suspension is not possible) the Integrity Tribunal may in its discretion decide to impose a Provisional Suspension based on the material before it without holding a hearing, receiving submissions or other communication from the Relevant Person. However, in such cases the Integrity Tribunal will either hold an expedited hearing on whether the Provisional Suspension should be maintained or hold an expedited hearing in relation to the alleged offence under this Regulation, as soon as possible after the imposition of the Provisional Suspension.
- (e) The Integrity Tribunal will, wherever possible, seek to hold an urgent provisional hearing (unless the Relevant Person agrees to accept a Provisional Suspension) before imposing a Provisional Suspension, but the choice of procedure to be followed will be a matter for the Integrity Tribunal in the particular circumstances.
- (f) The Integrity Tribunal will adopt such procedures for any hearing regarding a Provisional Suspension (whether held before or after the imposition of a Provisional Suspension) as the Tribunal considers will provide the Parties with a fair hearing in the matter.
- (g) The Integrity Tribunal may impose a Provisional Suspension where it considers that there is a *prima facie* case that an offence under this Regulation has been committed and that it is appropriate to impose a Provisional Suspension on the Relevant Person.

- (h) A Relevant Person who is provisionally suspended is barred temporarily from participating in any Bowls Competitions or other activities associated with Bowls New Zealand as detailed in C4i. of this Appendix C, until the Integrity Tribunal makes a final decision whether the Relevant Person has committed any offence they have been charged with under this Regulation.
- (i) During the period of Provisional Suspension, a person who is provisionally suspended is prevented from playing, training as part of a team or a squad, officiating, coaching, selecting, administering and/or otherwise participating or being involved in any capacity in any Bowls Competition, function, or other activity (other than authorised anti-corruption education or rehabilitation programmes) that are authorised, organised, sanctioned, recognised or supported in any way by Bowls New Zealand or any Clubs.
- (j) World Bowls, other international sport federations, national Bowls organisations in other jurisdictions, other New Zealand-based national sport organisations or national sport organisations of other sports in other international jurisdictions will be entitled to give effect to and enforce the above Provisional Suspension in their respective jurisdictions regarding other sports, as if the suspension related to that sport.
- (k) Where a Provisional Suspension is imposed and fulfilled by the Relevant Person, they shall receive a credit for such period of Provisional Suspension against any period of Suspension that may ultimately be imposed if the Integrity Tribunal determines an offence has been committed.
- (l) If a Relevant Person voluntarily agrees in writing with the Integrity Officer to accept a Provisional Suspension during the course of an investigation and thereafter refrains from competing or participating in Bowls Competitions or other activities listed in C4i of this Appendix C, then the Relevant Person shall receive a credit for such period of voluntary Provisional Suspension against any period of suspension which may ultimately be imposed.
- (m) The Integrity Tribunal has discretion whether to allow credit against a period of suspension for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension where the Relevant Person elected not to compete or was suspended by Bowls New Zealand.



## **C5. Preliminary Matters and Pre-Hearing Conferences**

- (a) The Chairperson and/or the Integrity Tribunal Panel may hear and determine any preliminary matters that arise.
- (b) The Integrity Tribunal will normally convene a pre-hearing conference with the Parties which will usually be held within seven days of the Relevant Person filing their response to the Notice of Charge.
- (c) The pre-hearing conference may be conducted in person or by audio or audio-visual means.
- (d) There may be more than one pre-hearing conference held as necessary.
- (e) The purpose of the pre-hearing conference will be to discuss and decide procedural matters to progress the case towards a hearing.
- (f) During the pre-hearing conference the Integrity Tribunal may fix the date of the hearing, decide the type of hearing (which may be in person or by audio or audio-visual means), the venue for the hearing, give any procedural or evidential direction that may be appropriate (including timetables for filing any evidence, witness statements or submissions) and make such other orders as necessary to facilitate the prompt and just expedition of the matter.
- (g) At the discretion of the Integrity Tribunal and with the consent of the parties, a pre-hearing conference may become the hearing.

## **C6. Hearings**

- (a) The purpose of the hearing shall be:
  - i. to determine whether the Integrity Tribunal considers that the Relevant Person has engaged in the Prohibited Conduct alleged in the Notice of Charge and therefore committed an offence under this Regulation;
  - ii. to impose sanctions in accordance with this Regulation if the Integrity Tribunal determines, or the Relevant Person admits, that an offence under this Regulation has been committed.
- (b) The Integrity Tribunal Panel may conduct the hearing as it sees fit and shall not be bound by rules of evidence or unnecessary formality.
- (c) However, the Integrity Tribunal Panel must conduct the hearing and determine matters in accordance with the principles of natural justice and procedural fairness. This includes, but is not limited to, the Integrity Tribunal:
  - i. conducting the hearing in a manner that is fair and appropriate to the circumstances;
  - ii. providing the Parties adequate notification of the date, time, and place of the hearing;

- iii. ensuring adequate notification of the allegations against the Relevant Person has been provided to the Relevant Person;
  - iv. ensuring the Relevant Person and their representatives, the Integrity Officer and/or Bowls New Zealand is given an adequate opportunity to be heard and to prepare and present their case;
  - v. ensuring the Relevant Person is provided with and given proper opportunity to consider, challenge or contradict any evidence that is relied upon to support allegations against them and that the Relevant Person is also fully aware of the nature of these allegations;
  - vi. having a lack of bias;
  - vii. not acting outside its powers or jurisdiction;
  - viii. inquiring into the matters in dispute;
  - ix. making a decision supported by the evidence;
  - x. not imposing a penalty that is either excessive or inappropriate.
- (d) The Relevant Person who is alleged to have committed the offence, the Integrity Officer and/or Bowls New Zealand:
- i. may call and question witnesses;
  - ii. has the right to address the Integrity Tribunal Panel to make their case;
  - iii. is permitted to provide written submissions for consideration by the Integrity Tribunal Panel (instead of or as well as appearing in person) and if the Relevant Person and the Integrity Officer and/or Bowls New Zealand provide any written submissions, the Integrity Tribunal Panel must consider those submissions in its deliberations.
- (e) The hearing shall be inquisitorial in nature, with cross examination allowed, and the Integrity Tribunal Panel may call such evidence as it thinks fit in its discretion and all Relevant Persons subject to this Regulation must, if requested to do so by the Integrity Tribunal Panel, provide such evidence as they are able.
- (f) The Integrity Tribunal may make such inferences and draw such conclusions as it considers appropriate from the failure of, or refusal by, a Relevant Person or the Integrity Officer and/or Bowls New Zealand to comply with a request to provide evidence to it.
- (g) Where two or more Relevant Persons are alleged to have committed offences under this Regulation, they may be dealt with at the same hearing where the proceedings arise out of the same incident or where there is a clear link between separate incidents.

#### **C7. Representation and support persons**

- (a) The Parties may be represented or assisted in the proceedings by a person of their choice and at their own cost.
- (b) Parties are not required to have representation.
- (c) Each party is also entitled to have a support person if they wish.

#### **C8. Privacy and confidentiality**

- (a) Except as otherwise stated in this Regulation, proceedings brought under this Regulation are to be treated as private and confidential until a final decision is issued.
- (b) The hearing will be closed to the public unless the Integrity Tribunal considers that there are exceptional circumstances to make a public hearing appropriate or the parties so agree. In the usual circumstances only persons with a legitimate interest in the hearing will be permitted to attend and this will be at the sole discretion of the Integrity Tribunal Hearing panel.

#### **C9. Privilege**

- (a) Regardless of anything else in this Regulation, a Relevant Person who is interviewed under suspicion, charged or arrested by a law enforcement agency regarding a criminal offence that is, or may be considered to be conduct that is Prohibited Conduct, under this Regulation, shall not be required to produce any information, give any evidence or make any statement to the Integrity Tribunal if they establish that to do so would breach any privilege against self-incrimination or legal professional privilege.
- (b) C9a. of this Appendix C does not limit the Integrity Tribunal from enforcing any other applicable rules and regulations.

#### **C10. Decisions of the Integrity Tribunal**

- (a) A decision of the Integrity Tribunal shall be made by a majority decision of the Integrity Tribunal Panel hearing the proceeding.
- (b) The Integrity Tribunal may in its discretion give an oral decision but, regardless of whether it gives an oral decision or not, in every proceeding the Integrity Tribunal will as soon as practicable issue a written decision containing reasons for its decision.
- (c) The written decision will set out and explain:
  - i. with reasons, the Integrity Tribunal's findings as to whether the Relevant Person committed any offence(s) under this Regulation;
  - ii. with reasons, the Integrity Tribunal's findings as to what sanctions, if any, are to be imposed on the Relevant Person if an offence has been committed;
  - iii. with reasons, the date upon which any period of suspension that is imposed shall start;

- iv. any rights of appeal available to the Parties.
- (d) The written decision containing reasons shall be provided to the Parties and/or to representatives of the Parties (if any) and to the Chief Executive Officer of Sport New Zealand.
- (e) Subject only to any rights of appeal the decision of the Integrity Tribunal shall be the full, final and complete determination of the matter and shall be binding on the Parties.

## **APPENDIX D: Appeal Against Decision of Integrity Tribunal**

### **D1. Appeal to the Sports Tribunal of New Zealand**

- (a) Parties to a proceeding may appeal the decision of the Integrity Tribunal to the Sports Tribunal as set out in this Appendix D and in accordance with the rules of the Sports Tribunal.

### **D2. Decisions that may be appealed**

- (a) Decisions of the Integrity Tribunal that may be appealed to the Sports Tribunal are:
  - i. a decision to impose or to remove a Provisional Suspension;
  - ii. a decision that a charge of an offence under this Regulation should be dismissed for procedural or jurisdictional reasons;
  - iii. a decision that an offence under this Regulation has, or has not, been committed;
  - iv. a decision to impose, or not impose sanctions, including the appropriateness of any sanction imposed for an offence under this Regulation.

### **D3. Grounds of Appeal**

- (a) The grounds for appealing a decision of the Integrity Tribunal to the Sports Tribunal shall only be one or more of the following grounds:
  - i. the decision of the Integrity Tribunal is wrong having regard to the application of this Regulation;
  - ii. natural justice has been denied;
  - iii. the Integrity Tribunal, or other relevant decision-maker or decision making body of Bowls New Zealand, acted outside its powers and/or jurisdiction (i.e. acted ultra vires);
  - iv. substantial new evidence became available, which could not be located prior to the original hearing, after the decision which is being appealed was made;
  - v. the sanction imposed was either excessive or inappropriate.

### **D4. Decisions being appealed remain in effect unless the Sports Tribunal decides otherwise**

- (a) Decisions of the Integrity Tribunal being appealed to the Sports Tribunal shall remain in effect and binding pending the Sports Tribunal's determination of the appeal, unless the Sports Tribunal decides otherwise.
- (b) Nothing in D4a. of Appendix D above prevents a Party to the proceeding applying to the Sports Tribunal to suspend the decision, or any part of the decision, of the Integrity Tribunal until the Sports Tribunal determines the appeal.

**D5. Time period for filing appeals to the Sports Tribunal**

- (a) Appeals against a decision of the Integrity Tribunal must be filed within 28 days from the date the appealing Party received the written decision containing reasons for the decision of the Integrity Tribunal.

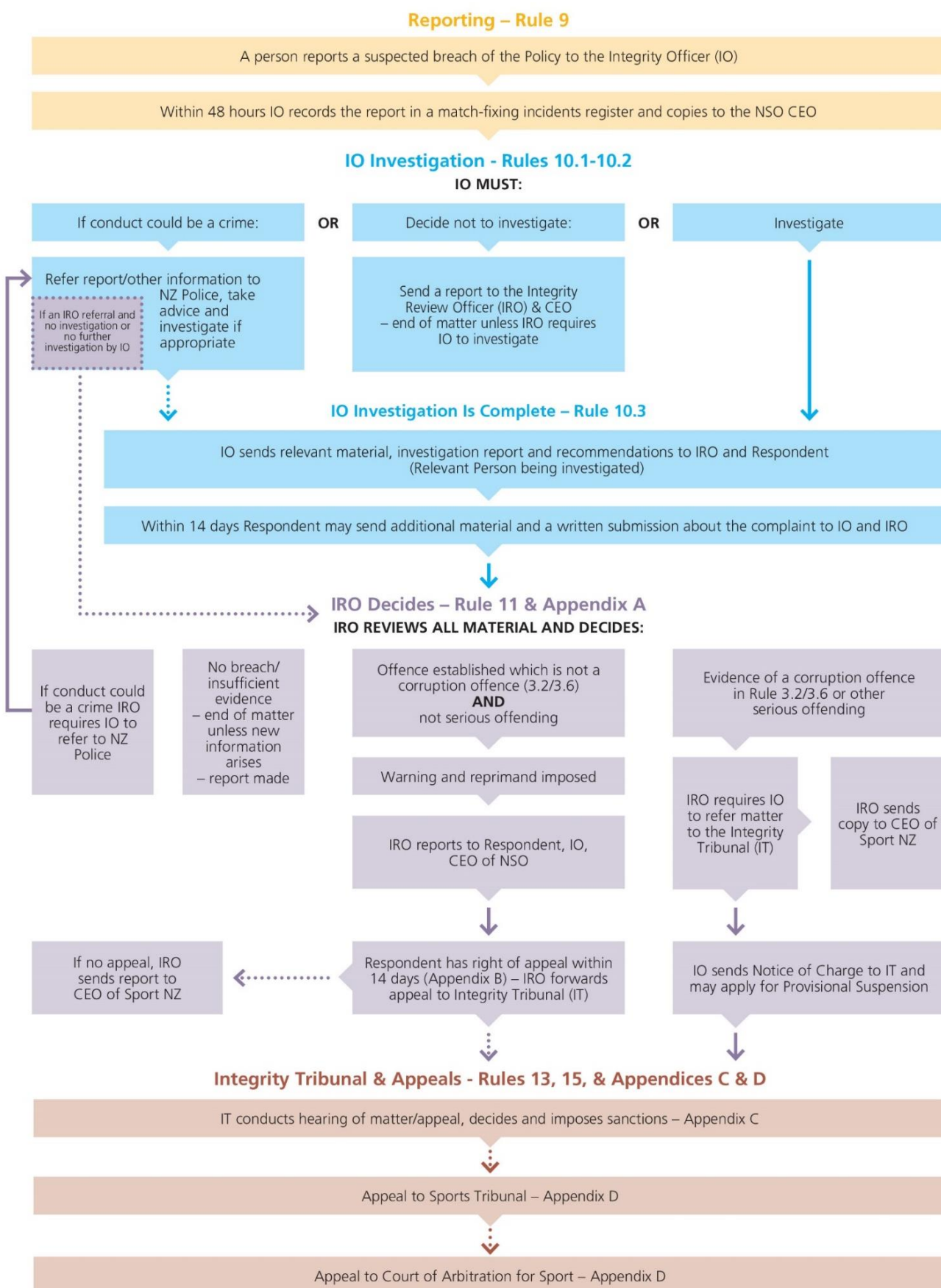
**D6. Applicable rules and governing law regarding appeals**

- (a) The clauses of the Sports Tribunal in force at the time shall apply, except to the extent they are inconsistent with any provision in this Appendix D dealing with appeals.
- (b) The governing law shall be New Zealand law.

**D7. Appeal of a Sports Tribunal decision**

- (a) The decision of the Sports Tribunal shall be final and binding and shall not be questioned in any court of law otherwise than in accordance with D7b. of this Appendix D below.
- (b) A Party may appeal a decision of the Sports Tribunal to the Court of Arbitration for Sport (CAS) within 15 working days of the written decision of the Sports Tribunal.
- (c) An appeal will not operate as a stay of proceedings of the Sports Tribunal decision unless the Sports Tribunal or CAS so orders.

## APPENDIX E: Flow Diagram of Key Processes



## 4. ANTI-DOPING – DOMESTIC REGULATION

### 1. Commencement Date

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- 1.1 Pursuant to Rule 25 of the Bowls New Zealand Constitution, the following updated Regulation has been adopted by the Board as a Regulation of Bowls New Zealand with effect from 22 February 2016.

### 2. Application

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- 2.1 This Regulation applies to the following:
- (a) individual Members<sup>4</sup> of Bowls New Zealand;
  - (b) individual members of Centres;
  - (c) individual members of Clubs;
  - (d) all Athlete Support Personnel<sup>5</sup> who participate as a coach, trainer, manager, team staff, official, medical or para-medical personnel in any competitions or activities authorised or organised by World Bowls, Bowls New Zealand or any Centre or Club;
  - (e) any other person who agrees to be bound by this Regulation and/or the Sports Anti-Doping Rules including participants in any capacity in any activity organized, held, convened or authorised by World Bowls, Bowls New Zealand or one of its Centres, Clubs, or Members.

### 3. Sports Anti-Doping Rules

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- 3.1 The Sports Anti-Doping Rules made by Drug Free Sport New Zealand (DFSNZ) under the provisions of the Sports Anti-Doping Act 2006, which took effect from 1 January 2016 attached as **Appendix 1**, and as amended from time to time by DFSNZ, apply and are expressly incorporated, and form part of, this Regulation. As such, the Sports Anti-Doping Rules are the anti-doping rules of Bowls New Zealand and they are applicable to all persons to whom this Regulation applies. Any amendments made to the Sports Anti-Doping Rules shall automatically apply and form part of this Regulation.

### 4. Additional Obligations

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- 4.1 In addition to the obligations under the Sports Anti-Doping Rules, all persons to whom this Regulation applies must:
- (a) recognise and accept the authority of DFSNZ as the sole National Anti-Doping Organisation in New Zealand;

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<sup>4</sup> Refer to Bowls New Zealand Constitution (rule 10) for definition, which includes Playing Members, Appointed Personnel, umpires, officials, National Representatives, coaches and managers.

<sup>5</sup> For the definition of Athlete Support Personnel refer to the Sports Anti-Doping Rules.

- (b) fully cooperate with Bowls New Zealand, World Bowls, DFSNZ and any other anti-doping authority or any other person or body acting on their behalf, undertaking any enquiries or any investigation under any applicable anti-doping rules, into a possible or alleged Anti-Doping Rule Violation by them or any other person with whom they are associated. This may include attending interviews to answer questions, giving information and producing documents;
- (c) immediately report any information suggesting or relating to an Anti-Doping Rule Violation by any person, to the Chief Executive of Bowls New Zealand, who in turn will report this to DFSNZ and/or World Bowls (as applicable);
- (d) submit to the exclusive jurisdiction of:
  - i. the Sports Tribunal and the Court of Arbitration for Sport to hear and determine any alleged Anti-Doping Rule Violations under the Sports Anti-Doping Rules (in accordance with the rules of the Sports Tribunal and the Court of Arbitration for Sport);
  - ii. the World Bowls Doping Review Panel and the Court of Arbitration for Sport, if an International Level Athlete, to hear and determine any alleged Anti-Doping Rule Violations under the World Bowls Anti-Doping Regulations (in accordance with the World Bowls Regulations and the rules of the Court of Arbitration for Sport).

4.2 Any Athlete Support Person who commits an Anti-Doping Rule Violation for Using Prohibited Substances or Prohibited Methods without valid justification, must not associate with or support any Athlete to whom this Regulation applies. A breach of this rule constitutes Misconduct under the Bowls New Zealand Constitution and shall be dealt with in accordance with the Bowls New Zealand Constitution and Judicial Regulations.

## **5. World Bowls Anti-Doping Regulations**

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- 5.1 In addition to clause 2.1 the World Bowls Anti-Doping Regulations (to the extent they are applicable), and as amended from time to time, are expressly incorporated into and form part of, this Regulation.
- 5.2 All Persons to whom this Regulation applies shall, to the extent applicable, be bound by the World Bowls Anti-Doping Regulations as amended from time to time.
- 5.3 In particular, if a person is an International Level Athlete or in a Registered Testing Pool (see definitions in clause 6 below) they must:
  - (a) complete the Athlete Consent Form, and return to Bowls New Zealand by the specified date;
  - (b) comply with all requirements for whereabouts information;
  - (c) if required, complete and comply with all requirements for any TUEs, and,
  - (d) comply with all other obligations applicable to International Level Athletes in accordance with this Regulation, SADR, and the World Bowls Anti-Doping Regulations.



## 6. Members to Recognise Decisions

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- 6.1 All Members of Bowls New Zealand including Centres and Clubs shall recognize, respect, and enforce any decision of DFSNZ, the Sports Tribunal, and Bowls New Zealand, provided such decision is made in accordance with the Sports Anti-Doping Rules, these Regulations and other applicable rules.

## 7. Interpretation

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- 7.1 The words and phrases used in this Regulation shall have the same meaning as defined in the Bowls New Zealand Constitution, the Sports Anti-Doping Rules or the World Bowls Anti-Doping Regulations, unless specified otherwise.

- 7.2 For the purposes of this Regulation, the SADR and the World Bowls Anti-Doping Regulations, an **International Level Athlete** means an athlete who is part of any **National Squad** who is eligible to be selected to compete in any of the following **International Events**:

### **World Bowls Events:**

World Championships

World Cup Indoor Singles

World Singles Champion of Champions

World Junior Championships

Asia Pacific Championships

Atlantic Championships

### **World Bowls approved international events include:**

British Isles Senior and Junior Championships

European Bowls Union Championships

Asia Pacific Merdeka Championships

Asia Lawn Bowls Championships

Trans-Tasman Championships

Hong Kong Classic

China Tour & Tiger Bowls

Dutch Open

Japan Open

North America Challenge

Any other events approved by World Bowls as international events

- 7.3 For the purposes of this Regulation, a **National Squad** means:

- (a) a group of players, including a squad or a team, which has been selected by Bowls New Zealand to train and compete as representatives of New Zealand, or

- (b) players who have been identified by Bowls New Zealand as eligible to compete in any one or more of the International Events:

including the following players:

- players selected to the Black Jacks Squad
- players selected to the Black Jacks Development Squad
- players seeking selection to a New Zealand team for the World Junior Championships
- players in a Bowls New Zealand National Singles final.

- 7.4 **Registered Testing Pool** has the meaning given to it in the Sports Anti-Doping Rules (as quoted below) and includes the DFSNZ Registered Testing Pool and the World Bowls Registered Testing Pool:

*“Registered Testing Pool: The pool of highest priority Athletes established separately at the international level by International Federations and at the national level by DFSNZ who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation’s or DFSNZ’ test distribution plan and therefore are required to provide whereabouts information as provided in Rule 5.6 [Sports Anti-Doping Rules] and the International Standard for Testing and Investigations “*

- 7.5 To the extent of any inconsistency between this Regulation, the Sports Anti-Doping Rules and the World Bowls Anti-Doping Regulations, the World Bowls Anti-Doping Regulations will apply.

## APPENDIX 1: SPORTS ANTI-DOPING RULES 2016

To view the full World Bowls Anti-Doping regulations:

[http://www.worldbowls.com/wp-content/uploads/2015/11/Web\\_Anti\\_Doping.pdf](http://www.worldbowls.com/wp-content/uploads/2015/11/Web_Anti_Doping.pdf)

To view Drug Free Sport Anti-Doping rules:

[http://drugfreesport.org.nz/uploads/site/assets/004\\_SADR\\_2017\\_made\\_211116.pdf](http://drugfreesport.org.nz/uploads/site/assets/004_SADR_2017_made_211116.pdf)

## 5. JUDICIAL PROCESS – DOMESTIC REGULATION

### PURPOSE

The purposes of this Regulation are to:

establish a consistent system for handling Disputes and Misconduct involving persons, Members or Officials of Bowls New Zealand that is fair and just, and delivered in a practical way;

continue to enable Clubs and Centres to manage their own Disputes and Misconduct in the first instance;

and give Members or Officials of Bowls New Zealand or members or Officials of a Club or Centre the ability to appeal decisions made by a Club or Centre to a judicial body regulated by Bowls New Zealand.

### COMMENCEMENT DATE

This Regulation came into force on 12th September 2014 (“Commencement Date”) and was updated by the Board effective 23rd November 2018. It shall continue in force until such time as it is revoked by the Bowls New Zealand Board.

### STRUCTURE OF THESE RULES

These Rules are divided into two parts:

**Part A** contains provisions which apply to matters brought before the Bowls New Zealand Judicial Committee; and

**Part B** contains general provisions which apply to all judicial matters.

### INTERPRETATION

The words and phrases used in this Regulation shall have the same meaning as defined in the Constitution, unless otherwise specified.

In addition to clause 4.1, the following words and phrases used in this Regulation shall mean as follows:

“**CEO**” means the Chief Executive Officer of Bowls New Zealand Incorporated.

“**Club or Centre Decision**” means a decision of the board, management committee or other equivalent governing body or any sub-committee of a Club or Centre about a member or Official of a Club or Centre regarding a Dispute or Misconduct conducted by that Club or Centre.

“**Constitution**” means the Constitution of Bowls New Zealand Incorporated.

“**Dispute**” means a situation where a Member has a grievance or difference about the meaning or effect of any rule, provision, decision, policy, practice, right, privilege or direction determined by another Member, or a member of a Club or Centre. A Dispute shall **not** include any grievance or difference about the meaning or effect of any rule of the Bowls New Zealand Anti-Doping Regulations, any decision of the Bowls New Zealand Board, or a matter which involves an allegation of Misconduct.

“**Interested Party**” means a person added to a Proceeding under clause 16.3.

“**International Level**” means during, or in connection with, a Game(s) of Bowls held between

New Zealand and another country or a region situated outside of New Zealand, or which involves individuals who are Appointed Personnel appointed by the Bowls New Zealand Board, Officers appointed or elected in accordance with the Constitution, and/or National Representatives, whether or not connected to a Game(s) of Bowls.

**“Judicial Committee”** means the Bowls New Zealand Judicial Committee(s).

**“Judicial Member”** means a person who is a member of a Judicial Committee.

**“Match Fixing”** means conduct defined as prohibited conduct in the Bowls New Zealand Anti-Match Fixing Regulation including corruption, betting, misusing inside information and other offences.

**“Misconduct”** means, but shall not be restricted to, situations where a Member: breaches any provision of the Laws of the Sport;

1. deliberately loses or attempts to lose a Game of Bowls or plays unfairly, unless it is Match Fixing in which case the Bowls New Zealand Anti-Match Fixing Regulation shall apply;
2. alters a bowl after it has been stamped by a registered bowls tester without submitting it for retesting and restamping;
3. at any event, function or activity of Bowls New Zealand, or of any Centre, or of any Club, or whilst on the property of Bowls New Zealand, any Centre or any Club, uses any profane, indecent or improper language;
4. at any time or place engages in offensive or insulting behaviour towards Bowls New Zealand, any Centre, any Club or any member of any Centre or Club, or any person acting for or on behalf of Bowls New Zealand, a Centre or a Club; breaches:
5. any provision of the Constitution, or the constitution of any Centre or Club; any Regulation and other Bowls New Zealand regulations, (other than the Bowls New Zealand Anti-Doping Regulation or the Bowls New Zealand Anti-Match Fixing Regulation), or the regulations, by-laws or other rules (however described) of any Centre or Club;
6. any policies of Bowls New Zealand, a Centre or a Club; any reasonable direction of Bowls New Zealand, a Centre or a Club (or person authorised on their behalf);
7. 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; acts in a manner which brought, or could bring, Bowls New Zealand, any Centre or any Club into disrepute;
8. acts in a manner unbecoming of a Member, or a member of a Centre or Club or which is prejudicial to the Objects and/or the objects of a Centre and/or Club; fails or refuses, for a period of one calendar month to pay any fine or monetary penalty imposed by Bowls New Zealand, a Centre and/or a Club or any authority under the jurisdiction of Bowls New Zealand, a Centre or a Club; and/or aids or abets any of the conduct specified in (a) to (i) above.

**“National Event”** means a bowls event held by, or under the auspices of, or administered by Bowls New Zealand (and held at a Centre or Club venue as determined by Bowls New Zealand). National Events may be held on an open, invitation, or limited entry basis. A National Event shall be deemed to start at the commencement of the official opening, manager’s meeting or pre-event briefing immediately preceding the event (whichever is the earlier) and shall end at the conclusion of the official closing, prize giving or official Bowls New Zealand function for the event (whichever is the latter). *Events include (but not limited to): the New Zealand National Open Championships for Men and Women; the National final of any New Zealand Interclub Competition for Men and Women; The National final of the New Zealand Inter-Centre Competition for Men and Women; the National final of the National Champion of*

*Champion Singles, Pairs, and Fours for Men and Women; The National Secondary Schools competition for Men and Women; The Bowls3Five series of competitions.*

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

**“Registrar”** There shall be a Registrar who is available to assist all Judicial Committees described in this Regulation. The Registrar shall be the CEO or other employee of Bowls New Zealand as determined by the CEO.

**“Rules of the Sports Tribunal”** means the rules of the Sports Tribunal of New Zealand.

**“Sports Tribunal”** means the Sports Tribunal of New Zealand established under the Sport and Recreation New Zealand Act 2002 and continued under the Sports Anti-Doping Act 2006.

**“Transition Period”** means the period from the commencement of the Constitution (as amended) until 31 December 2020 or any other date agreed in writing with the Board.

**“Working Day”** means any day of the week other than Saturday, Sunday, Good Friday, Easter Monday, ANZAC Day, Labour Day, the Sovereign’s birthday, Waitangi Day, Christmas Day, Boxing Day, New Years’ Day and 2 January, provided that if Christmas Day, Boxing Day, New Years’ Day and/or 2 January:

- falls on a Saturday the day must be treated as falling on the following Monday; and,
- falls on a Sunday the day must be treated as falling on the following Tuesday.

## **PART A – BOWLS NEW ZEALAND JUDICIAL COMMITTEE**

### **JUDICIAL MEMBERS**

Bowls New Zealand shall appoint a pool of at least five people annually to be members of the Bowls New Zealand Judicial Committee when required by Bowls New Zealand. At least one of these people must have legal experience and the others should, if possible, have one or more of the following competencies:

- a practising or retired barrister or solicitor of the High Court of New Zealand;
- a retired judicial officer who has held office in a New Zealand court or statutory tribunal;
- experience as a member of a disciplinary tribunal, preferably in relation to bowls; and/or
- extensive knowledge of the Game of Bowls.

Members of the Bowls New Zealand Judicial Committee may also be appointed as members of the Bowls New Zealand Integrity Tribunal (under the Bowls New Zealand Anti-Match Fixing Regulation) or to any other hearing body appointed by Bowls New Zealand.

### **FUNCTIONS OF THE BOWLS NEW ZEALAND JUDICIAL COMMITTEE**

The functions of the Bowls New Zealand Judicial Committee are to:

do all things necessary to comply with and implement this Regulation;

- hear and determine Disputes and Misconduct at National Events, unless already heard in accordance with any applicable event rules;
- hear and determine Disputes and Misconduct at International Level, unless already heard in accordance with any applicable event rules;
- hear and determine appeals against a Club or Centre Decision, provided that:
- the constitution, rules, or regulations of the Club or Centre provide for an appeal to the Bowls New Zealand Judicial Committee; and / or
- the appellant has first exhausted all avenues of appeal available under the constitution of the Club or Centre, as the case may be;

- hear and determine other Disputes and Misconduct involving Bowls New Zealand Members:
- that are not within the jurisdiction of a Club, Centre and/or the Bowls New Zealand Board;
- or where the parties agree in writing; during the Transition Period,
- hear and determine any appeals made, in accordance with the constitution and/or regulations of a Club or Centre, to a body that no longer exists (e.g. a centre judicial committee);
- hear and determine any jurisdictional issues regarding Disputes and Misconduct; and
- generally take all steps necessary or desirable to achieve the purposes of this Regulation.

For avoidance of doubt, the Bowls New Zealand Judicial Committee does not have jurisdiction to hear and determine allegations of Match Fixing, which shall be dealt with in accordance with the Bowls New Zealand Anti-Match Fixing Regulation.

## **ADMINISTRATION OF THE BOWLS NEW ZEALAND JUDICIAL COMMITTEE**

**Chair:** The Bowls New Zealand Board must appoint one of the Judicial Members as the regular Chair of the Bowls New Zealand Judicial Committee.

**Deputy Chair:** The Bowls New Zealand Board may appoint one or more of the Judicial Members as a Deputy Chair of the Bowls New Zealand Judicial Committee.

**Panels:** The Chair, or in his/her absence, a Deputy Chair, shall appoint a panel to hear and determine each matter to be dealt with by the Bowls New Zealand Judicial Committee. A panel will normally comprise three members (of which one must be the Chair, or in his/her absence the Deputy Chair, and one must have legal experience) but, at the discretion of the Chair, or a Deputy Chair, may comprise more or fewer than three members.

## **GROUND OF APPEAL TO A BOWLS NEW ZEALAND JUDICIAL COMMITTEE**

The grounds for an appeal to a Bowls New Zealand Judicial Committee shall be those set out in the constitution, rules, or regulations of the applicable Club or Centre. In the absence of any such grounds, the grounds shall only be one or more of the following grounds:

- natural justice was denied;
- the decision-maker or decision-making body acted outside of its powers and/or jurisdiction (i.e. acted ultra vires);
- substantial new evidence became available after the decision, which is being appealed, was made; and/or
- in the case of a decision relating to Misconduct, the penalty was either excessive or inappropriate.

## PROCESS FOR BOWLS NEW ZEALAND JUDICIAL COMMITTEE APPEALS

**Notice of Appeal:** A person wishing to appeal a Club or Centre Decision (“the Appellant”) shall complete and file with Bowls New Zealand, a notice of appeal (Form 2) and pay an appeal fee of \$100.00 as determined by the Bowls New Zealand Board. Such notice of appeal shall be filed with the Registrar within the time limit set out in the applicable constitution, rules or regulations of the Club or Centre. In the absence of such time limits, within 28 Working Days of the Appellant being notified of the decision against which the appeal is made. A copy of the notice of appeal must also be served on the Club or Centre that made the decision appealed against (as the case may be) (“Respondent”) and the Appellant must provide the Registrar with confirmation of service.

**Appeal Brief:** Within 10 Working Days of filing the notice of appeal, the Appellant must file and serve on the Respondent, an appeal brief in the prescribed form (Form 3).

**Statement of Defence:** Within 14 Working Days of receiving the appeal brief, the Respondent shall file with the Registrar and serve on the Appellant, a statement of defence in the prescribed form (Form 4). If the Respondent fails to file such statement of defence within the prescribed time, or such extended time as given by the applicable Bowls New Zealand Judicial Committee, the Bowls New Zealand Judicial Committee may proceed with the appeal and issue its decision.

**Stay of Execution:** Pending the determination of an appeal before it, the Bowls New Zealand Judicial Committee, may grant a stay of execution of the decision which is being appealed. This decision should be made as soon as possible and the parties notified of such.

**Mediation:** Having received and considered all documentation as above the CEO (and/or his/her delegate) may initiate mediation proceedings to attempt to reach an agreement between parties without the need for a formal Appeal Hearing. The process for mediation will be determined by the Registrar in conjunction with the Judicial Committee Chair but must adhere to the principles of natural justice.

**Appeal Hearing:** If after mediation (or if mediation is not attempted) the parties have failed to reach a resolution, and subject to the rules of natural justice, a hearing will be held as soon as practicable as provided for in this Regulation. The Bowls New Zealand Judicial Committee shall determine the procedure of the hearing. In appropriate cases and by agreement of the parties and the Bowls New Zealand Judicial Committee, the appeal may be determined by the Bowls New Zealand Judicial Committee by reference only to the documents filed, without hearing from the parties or others in person.

**Evidence:** A Bowls New Zealand Judicial Committee has discretion to admit new evidence, including any evidence produced during the mediation process and may re hear the matter de novo on which the appeal is based. Unless directed otherwise, the parties will be required to place before the Bowls New Zealand Judicial Committee, the transcript (if available) of the hearing at which the decision appealed from was made, copies of any witness statements produced to that hearing, and all other relevant documents which were before the body which made the decision appealed from.

**Onus:** The onus of proof shall be upon the Appellant.

**Decision:** The decision of a Bowls New Zealand Judicial Committee shall be consistent with the applicable constitution, rules or regulations of the Club or Centre, if the latter are applicable. Unless such constitution, rules or regulations expressly or implicitly provide otherwise, a Bowls New Zealand Judicial Committee may make any decision that the Club or Centre appealed from was capable of making on the original application or may, if it considers it necessary, refer the matter back to that Club or Centre for further consideration, with such directions (if any) which the Bowls New Zealand Judicial Committee determines to give. If the appeal is allowed, the Bowls New Zealand Judicial Committee, in addition to making any decision in this clause 9.7, may make such orders it considers appropriate to give effect to its decision, including imposing any of the orders set out in clause 16.15 (Orders).

**Recommendation to Bowls New Zealand:** A Bowls New Zealand Judicial Committee, whether or not it allows or dismisses an appeal, may recommend to Bowls New Zealand that changes be made to any applicable rule, policy or procedure of the relevant Club or Centre.

## **PROCEDURE OF THE BOWLS NEW ZEALAND JUDICIAL COMMITTEE (WHEN NOT AN APPEAL)**

**Application:** An application under this Part A shall be commenced by a person alleging the Dispute or Misconduct (under clause 6.1b, clause 6.1c or clause 6.1e) or jurisdictional issue (under clause 6.1g) filing the prescribed form (Form 1). The person alleging the Dispute, Misconduct or jurisdictional issue will also, when filing Form 1, pay the filing fee of \$100.00. Any appeal under clause 6.1d and 6.1f shall be commenced in accordance with clause 8 (Grounds of Appeal to a Bowls New Zealand Judicial Committee) and clause 9 (Process for Bowls New Zealand Judicial Committee Appeals).

**Pre-Hearing Conference:** As soon as practicable after the filing of the application, the Bowls New Zealand Judicial Committee will (if necessary) convene a pre-hearing conference (usually by telephone) at which all necessary directions will be given to bring the matter to a prompt hearing. Those directions will include:  
directions as to the statements of position to be filed by the parties and the sequence and timing of such statements;

- the filing of statements of issues and the relief or directions sought;
- the manner in which evidence (if any) and documents are to be brought before the Bowls New Zealand Judicial Committee;
- the date and place of any hearing; and
- such other directions as may be necessary to bring the matter to an expeditious hearing.

**Determination:** The Bowls New Zealand Judicial Committee will determine any Proceeding before it, either with or without a hearing, but in accordance with the principles of natural justice. It will issue its decision as soon as reasonably practicable and may in its discretion award costs to one or more parties and/or impose any of the orders set out in clause 16.15 (Orders).

## **APPEALS**

A decision of the Bowls New Zealand Judicial Committee shall be final and binding and shall not be questioned in any Court of law otherwise than in accordance with clause 11.2

A party to a decision of the Bowls New Zealand Judicial Committee under clauses 6.1b and 6.1c may 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. There is no right of appeal from a decision of the Bowls New Zealand Judicial Committee under clauses 6.1d, 6.1e, 6.1f and 6.1g.



## PART B – GENERAL

### OTHER RIGHTS

Nothing in this Regulation:

- Waives or limits the right of the Bowls New Zealand Board under Rule 15 (Resignation, Suspension and Termination of Membership) of the Constitution.
- Waives or limits any rights that Bowls New Zealand has under any agreements it has with Members, players, Officials and other personnel appointed by Bowls New Zealand (such as the agreements it enters into with members of Bowls New Zealand teams).
- Waives or varies any entitlements at law or under any employment agreement or contract for Bowls New Zealand to investigate, suspend and/or terminate an employee's employment or contractor's role where an issue involves a Bowls New Zealand employee or contractor.
- Waives or limits the rights of Clubs and Centres to determine their own judicial processes provided such processes comply with and are not inconsistent with the Constitution and/or this Regulation.

### REGISTRIES & REGISTRAR

**Registry:** The registry (office) of the Judicial Committees described in this Regulation shall be at the location specified below, or at such other place(s) as determined by the CEO.

<b>Bowls New Zealand</b>	PO Box 62 502, Greenlane, Auckland 1546
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**Registrar:** There shall be a Registrar who is available to assist all Judicial Committees described in this Regulation. The Registrar shall be the CEO or other employee of Bowls New Zealand as determined by the CEO. The functions of the Registrar include:

- Providing information regarding procedure to any person seeking to bring Proceedings under this Regulation.
- Coordinating the management of all Proceedings before the Judicial Committees.
- Undertaking such other functions as may be determined by the Bowls New Zealand Board.

### JUDICIAL MEMBERS

**Ineligibility:** No person who holds any of the following positions may be a member of a Judicial Committee governed by this Regulation, unless otherwise agreed by the Bowls New Zealand Board:

- Bowls New Zealand Board Member;
- Centre Board Member;
- Club Board Member;
- employee of Bowls New Zealand, a Centre or a Club; and/or
- person who has an interest in a matter being heard by a Judicial Committee.

**Term of Office:** Except as provided in clause 14.3 (Termination of Position), a Judicial Member shall hold office for the term specified by the Bowls New Zealand Board, which may not exceed five years. A Judicial Member may hold that office concurrently with any other bowls office, subject to clause 14.1 (Ineligibility), and may be reappointed for successive terms of office by the Bowls New Zealand Board.

**Termination of Position:**

A Judicial Member may, at any time, resign his or her office by giving notice in writing to the CEO. A Judicial Member is taken to have vacated his or her office if he or she dies, is adjudged bankrupt under the Insolvency Act 2006, or is convicted of any offence punishable by a term of imprisonment of two or more years (whether or not a term of imprisonment is imposed) unless he or she has obtained a pardon.

A Judicial Member may, at any time, be removed from office by the Bowls New Zealand Board for inability to perform the duties of office, neglect of duty, or misconduct proved to the satisfaction of the Bowls New Zealand Board.

The powers of the applicable Judicial Committee are not affected by any vacancy in its membership.

**Expenses and Remuneration:**

Bowls New Zealand may:

- pay for, or reimburse Judicial Members for, reasonable travelling and other expenses incurred in the course of performance of duties as a Judicial Member, provided that where remuneration occurs, the expenses have been approved in advance by the Bowls New Zealand CEO; and in its discretion remunerate a Judicial Member for services provided.

**No Personal Liability:**

No Judicial Member will be personally liable for any act done or omitted to be done by a Judicial Committee or any Judicial Member in good faith in pursuance or intended pursuance of the functions, duties, powers, or authorities as specified in this Regulation.

**SERVICE**

Every document which is filed with a Judicial Committee 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.

Documents to be filed with the Judicial Committee, or served on another party, shall be sent by post, courier, email, facsimile or delivered in person.

Where a document is served on a party or person under this Regulation, the document shall be deemed to have been served as follows:

If **delivered in person** between the hours of 9.00am and 5.00pm, then on that day, and if such delivery is outside of these hours, then on the next Working Day.

If **posted**, then on the earlier of:

- the fifth Working Day after the day on which it was posted; or
- the day on which it was received.

If **transmitted by facsimile number or by email**, then on the day on which it was transmitted, unless such transmission commenced after 5.00pm, in which case it shall be the next Working Day.

## **PROCEDURE**

**Procedure:** Except as provided for in the Constitution or this Regulation, the Judicial Committees may determine their own practices and procedures for performing the functions specified in this Regulation and may prescribe or approve forms for the purposes of any Proceeding.

**Preliminary Matters:** Preliminary matters may be heard and determined by a Judicial Committee as it thinks fit

**Interested Party:** A Judicial Committee may, either on its own motion or on the application of a person whom the Judicial Committee 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.

**Power to Inquire and Direct:** Judicial Committees 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 Judicial Committee, or any person authorised in writing by it may:

- inspect and examine any papers, documents, records or items;
- 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;
- require any party or person bound by this Regulation, and request any other person, to furnish, 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;
- in respect of any Proceeding, hear evidence either of its own motion or upon application by any party, whether or not such evidence is new to the dispute; and
- 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 a Judicial Committee under this clause 16.4.

**Proof of Facts:** Facts related to any Proceeding may be established by any reliable means, including admissions.

### **Natural Justice:**

A Judicial Committee shall, in all matters, observe the principles of natural justice.

### **Time Rules:**

Where this Regulation fixes a day within a time period for doing any act or taking any step in a Proceeding, then such act or step shall be taken by 5.00pm (New Zealand time) on that day, unless determined otherwise by the Judicial Committee before or after the time stipulated.

The Chair or a Deputy Chair, in the discretion of that person, may extend or, in urgent situations, abridge, the time period for doing any act or taking any Proceeding or any step in the Proceeding, on such terms (if any) as that person thinks just. This discretion may be exercised even if the application for an extension is made after the expiration of the time appointed or fixed.

The power to extend or abridge time limits shall not allow the Chair or Deputy Chair to alter a time period specified in the constitution or rules of a Club or Centre, unless there is a provision in the constitution or rules permitting the Judicial Committee to grant such amendment or unless the parties agree to such an extension or abridgment.

**Filing Fees:** The Bowls New Zealand Board have set a filing fee of \$100.00 for Proceedings, and a Judicial Committee may, in its discretion, waive all or part of any fee if it considers it appropriate to do so.

**Evidence in Proceedings:** Judicial Committee(s) may:

- 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.
- Permit a person appearing as a witness before it to give evidence by tendering a written statement.

**Representation:** The parties, including any Interested Party, may be represented or assisted in the Proceeding by a person of their choice. The name, address, email address, telephone and facsimile numbers of the person representing a party shall be communicated to the Registrar in advance of any hearing in which the representative is to act for the party.

**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 a Judicial Committee as if the Minor were a person of full age and capacity. Where a Minor is a party to any Proceeding, the Judicial Committee 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.

**Privacy:** A Proceeding brought under this Regulation shall usually be private and confidential, but the applicable Judicial Committee shall have an absolute discretion to hold a hearing in public if it considers there are exceptional circumstances which warrant it doing so, or, if the parties so agree. Unless a Judicial Committee directs otherwise, a decision in such a Proceeding will be published.

**Applicable Law:** All Proceedings shall be determined according to the laws of New Zealand.

**Decisions:**

A decision of a Judicial Committee in any Proceeding shall be made by majority decision of the Judicial Members hearing the Proceeding. In the event there is no majority decision of the Judicial Members hearing the Proceeding, the Chairperson shall decide the matter.

A Judicial Committee may, in its discretion, give an oral decision, but shall also issue a written decision with reasons as soon as expedient.

A Judicial Committee may also make non-binding recommendations to Bowls New Zealand, a Centre, a Club, or any other party of any Proceeding.

Any decision of a Judicial Committee 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.

**Orders:** A Judicial Committee may make such orders, which are consistent with the “Sanction Guidelines” as it considers appropriate to give effect to its decision, including imposing any of the following:

- a reprimand or warning;
- suspension or termination from such activities of the Club, Centre, and/or Bowls New Zealand including events, competitions, tournaments, meetings, and functions, on such terms and for such period as it thinks fit;
- suspension or termination of the person’s membership of a Club, Centre and/or Bowls New Zealand;
- fines, imposed in such manner and in such amount as the Judicial Committee thinks fit;
- such other penalty as the Judicial Committee considers commensurate with the offence; and/or
- such combination of any of the above penalties as the Judicial Committee thinks fit.

**Costs:** A Judicial Committee may order any party to a Proceeding to pay to any other party and/or to the applicable Judicial Committee such costs and expenses (including filing fees) as the Judicial Committee thinks fit.

Unless the Judicial Committee directs otherwise, any costs awarded shall be paid within 21 Working Days of the Judicial Committee’s decision as to costs. The party in whose favour the costs have been ordered, or Bowls New Zealand (as the case may be) may enforce payment of the costs as a contractual debt in the District Court

**General:** Where any matter is not otherwise provided for in this Regulation, the applicable Judicial Committee 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.

#### **Mediation:**

Any Judicial Committee may, if requested by the parties, or on its own volition, order that the substantive issue in a Proceeding, or any sub-issue, be mediated, either before a Judicial Member, or a suitably qualified independent mediator. If a Judicial Member is the mediator, that person may not sit on the panel which hears the substantive matter, unless all parties otherwise agree.

A Judicial Committee may order that the parties, or any one of them, meet the cost of an independent mediator if the mediation proceeds with an independent mediator.

**Correction of Accidental Slip or Omission:** If any decision of a Judicial Committee contains a clerical mistake or an error arising from any accidental slip or omission, the decision may be corrected by the Judicial Committee.

**Rehearing:** A Judicial Committee may order a rehearing if, in its opinion, there has been a miscarriage of justice that justifies a rehearing.

#### **MEDIA**

The Registrar shall not allow media to be present at any hearing unless the applicable Judicial Committee decides, following receipt of an application from a party to that hearing, that representatives of the media should be permitted to attend. Any party requesting that media be permitted to attend a hearing must demonstrate there is sufficient public interest and justification to allow the media to attend. A Judicial Committee may make conditions upon media attendance at a hearing as it considers appropriate.

## TRANSITION

Each Club and Centre shall, as soon as reasonably practicable, and by no later than 31 December 2020, or any other date agreed in writing with the Bowls New Zealand Board, adopt a new, or amend its existing, constitution to ensure it is consistent with the minimum judicial requirements as set out in **Schedule 1** (Minimum Judicial Requirements for Club Constitutions) and **Schedule 2** (Minimum Judicial Requirements for Centre Constitutions). If any Club or Centre fails to comply with this clause by 31 December 2020, or any other date agreed in writing with the Bowls New Zealand Board, unless otherwise determined by the Bowls New Zealand Board, its membership of Bowls New Zealand may be suspended or terminated by the Bowls New Zealand Board in accordance with the Constitution.

During the Transition Period until a new or amended constitution is adopted, in compliance with this clause, and registered by the Registrar of Incorporated Societies, each Club and Centre shall adhere with the rules of their existing constitution.

Until such time as a Club or Centre amends its constitution to provide for an appeal to the Bowls New Zealand Judicial Committee, the Bowls New Zealand Judicial Committee shall be deemed to be the relevant Regional Judicial Committee for the purposes of hearing and disposing of any appeal from that Club or Centre.

## SCHEDULE 1 - Minimum Judicial Requirements for Club Constitutions

The following minimum requirements must be satisfactorily included in the constitutions of each Club:

1. **Jurisdiction of the Club Board:** The constitutions of each Club must state that, subject to the jurisdiction of the Bowls New Zealand Judicial Committee, the Club Board (including any sub-committee of the Club) has jurisdiction to hear and determine Disputes and Misconduct at Club Level.
2. **Composition of Club Judicial Committee:** The constitution for each Club must provide for the establishment of a judicial committee to assist the Club Board to hear and determine Disputes and Misconduct at Club Level. Such judicial committee must comprise not less than three persons appointed by the Club 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.
3. **Jurisdiction of the Bowls New Zealand Judicial Committee:** Each Club constitution must acknowledge the role and jurisdiction of the Bowls New Zealand Judicial Committee as specified in Rule 24 of the Bowls New Zealand Constitution.
4. **Procedure:** The constitutions of each Club must specify that the Club Board (or other committee) shall act in accordance with the principles of natural justice.
5. **Appeals:** The appeal rights in each Club constitution must be consistent with the appeal rights in the Bowls New Zealand Constitution and this Regulation so that:

- a. where there is a Dispute or Misconduct at Club Level which is determined by the Club Board (or committee on its behalf), any party affected by that decision may only appeal such decision to a Bowls New Zealand Judicial Committee in accordance with the Bowls New Zealand Regulations; and
  - b. where there is a Dispute or Misconduct which is determined by the Bowls New Zealand Judicial Committee, 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 such an appeal is permitted by the rules of the particular event.
  - c. there is no right of appeal from a decision of the Bowls New Zealand Judicial Committee under Rules 23.3a, d and e of the Bowls New Zealand Constitution; and
  - d. there is only one right of appeal from a decision of the Bowls New Zealand Judicial Committee under Rules 23.4b of the Bowls New Zealand Constitution to the Sports Tribunal.
6. **Definitions:** Each Club constitution must include the following definition of “*Club Level*” “*means, subject to the jurisdiction of the Bowls New Zealand Judicial Committee, during or in connection with, a Game(s) of Bowls held by the Club, or which involves Members whether or not connected to a Game(s) of Bowls.*” In addition, each Club constitution must also include the following definitions “*Bowls New Zealand Judicial Committee*”, “*Dispute*”, “*International Level*”, “*Misconduct*” and “*National Event*” as specified in Rule 2 of the Bowls New Zealand Constitution.

## SCHEDULE 2 - Minimum Judicial Requirements for Centre Constitutions

The following minimum requirements must be satisfactorily included in the constitutions of each Centre:

1. **Jurisdiction of the Centre Board:** The constitutions of each Centre must state that, subject to the jurisdiction of the Bowls New Zealand Judicial Committee, the Centre Board (including any sub-committee of the Centre) has jurisdiction to hear and determine Disputes and Misconduct at Centre Level.
2. **Composition of Centre Judicial Committee:** The constitution for each Centre must provide for the establishment of a judicial committee to assist the Centre Board to hear and determine Disputes and Misconduct at Centre Level. Such judicial committee must 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.
3. **Jurisdiction of the Bowls New Zealand Judicial Committee:** Each Centre constitution must acknowledge the role and jurisdiction of the Bowls New Zealand Judicial Committee as specified in Rule 23 of the Bowls New Zealand Constitution.

4. **Procedure:** The constitutions of each Centre must specify that the Centre Board (or other committee) shall act in accordance with the principles of natural justice.
5. **Appeals:** The appeal rights in each Centre constitution must be consistent with the appeal rights in the Bowls New Zealand Constitution and this Regulation so that:
  - a. where there is a Dispute or Misconduct at Centre Level which is determined by the Centre Board (or committee on its behalf), any party affected by that decision may only appeal such decision to a Bowls New Zealand Judicial Committee in accordance with the Bowls New Zealand Regulations; and
  - b. where there is a Dispute or Misconduct which is determined by the Bowls New Zealand Judicial Committee, 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 such an appeal is permitted by the rules of the particular event.
  - c. there is no right of appeal from a decision of the Bowls New Zealand Judicial Committee under Rules 23.3a, d and e of the Bowls New Zealand Constitution; and
  - d. there is only one right of appeal from a decision of the Bowls New Zealand Judicial Committee under Rules 23.4b of the Bowls New Zealand Constitution to the Sports Tribunal.
6. **Definitions:** Each Centre constitution must include the following definition of “Centre Level” *“means during or in connection with, a Game(s) of Bowls held by the Centre which is not part of a National Event, or which involves Members whether or not connected to a Game(s) of Bowls, other than at a National Event or at Club Level or International Level”* In addition, each Centre constitution must also include the following definitions “Bowls New Zealand Judicial Committee”, “Dispute”, “International Level”, “Misconduct” and “National Event” as specified in Rule 2 of the Bowls New Zealand Constitution.

## 6. HIGH PERFORMANCE – SELECTION: DOMESTIC REGULATION

### 1. OBJECTIVES OF THIS REGULATION

- 1.1 The objectives of this Regulation are:
  - (a) To clearly document and make available to all players the process and criteria to be used by Bowls New Zealand in selecting Players for the National High Performance, National Talent Development Squads and National Teams for international tournaments and competitions; and
  - (b) To select Players with the potential to achieve medal winning performance/s at such tournaments and competitions.

### 2. APPLICATION OF THIS REGULATION

- 2.1 This Regulation is issued by the Board of Bowls New Zealand under Rules 18.2.8 and 25 of the Bowls New Zealand Constitution.
- 2.2 This Regulation as amended shall take effect from 1<sup>st</sup> January 2019.



- 2.3 This Regulation applies to all members of Bowls New Zealand and all players wishing to be considered for the National High Performance, National Talent Development Squads and National Teams
- 2.4 This Regulation is to be read with any other information supplied by Bowls New Zealand regarding the high performance program or selection. If there is any inconsistency between such information and this Regulation, then to the extent of any such inconsistency, this Regulation will apply.

### 3. DEFINITIONS

The words used in this Regulation shall have the following meanings:

<b><i>Board</i></b>	means the Board of Bowls New Zealand as constituted under the Bowls New Zealand Constitution.
<b><i>Bowling Club</i></b>	means a women's or men's bowling club or an amalgamated club in New Zealand (as defined in the Bowls New Zealand Constitution).
<b><i>Bowls New Zealand Constitution</i></b>	means the Constitution of Bowls New Zealand Incorporated.
<b><i>Bowls New Zealand High Performance Plan</i></b>	means the High Performance Plan referred to in clause 8.1 of this Regulation as amended by the Chief Executive or the Board from time to time.
<b><i>Bowls New Zealand Athlete Agreement</i></b>	means the agreement referred to in clause 5.2(a) of this Regulation.
<b><i>Chief Executive</i></b>	has the same meaning as described in the Bowls New Zealand Constitution.
<b><i>Exceptional Circumstances</i></b>	includes but is not limited to circumstances caused by illness or any other matters outside of the control of the Player (e.g. family bereavement, equipment failure, travel delays) which, in the opinion of the National Selection Panel, resulted in either their performance being effected, or which resulted in them not competing in, the tournaments, competitions or activities upon which their selection is considered. In the case of illness or injury the National Selection Panel may require the Player to undergo a medical examination by a doctor or doctors as determined by the Chief Executive or his/her nominee.
<b><i>High Performance and Talent Development Squad Laws of the Sport</i></b>	means the squad referred to in clause 4.1(a) of this Regulation and includes age group and open players. means the laws for playing the game of bowls as approved by World Bowls and for the purposes of this Regulation includes Domestic Regulations (those regulations promulgated by Bowls New Zealand as defined in the Bowls New Zealand Constitution).
<b><i>National Selection Panel</i></b>	means the panel appointed by the Board of Bowls New Zealand which determines and selects members

of the National High Performance, National Talent Development Squads and National Teams as set out in this Regulation.

***National Teams***

means the national teams selected to compete in specific international tournaments, competitions, tours and other activities in accordance with clause 4.1(b) of this Regulation which may include age group and open teams.

***Athlete/Player***

means a person who has notified Bowls New Zealand in accordance with this Regulation that he/she wishes to be considered for selection under this Regulation.

***Selector***

means a member of the National Selection Panel.

***Selected Athlete/Player***

means the Athlete/Player has been chosen on behalf of Bowls New Zealand by the National Selection Panel to be a member of the High Performance Squad or a National Team.

***Sports Tribunal***

means the Sports Tribunal of New Zealand governed by the Sports Anti-Doping Act 2006 (or any replacement legislation).

***World Bowls***

means World Bowls Ltd, being the international federation for bowls of which Bowls New Zealand is the member for New Zealand.

Unless specified otherwise, any other terms used in this Regulation shall have the meanings set out in the Bowls New Zealand Constitution.

#### **4. SELECTION PANEL**

- 4.1 Subject to clauses 4.2 to 4.6, there shall be one National Selection Panel. The National Selection Panel will be appointed to determine Players to be selected in:
- (a) the High Performance and Talent Development Squads; and
  - (b) National Teams;
- for the periods specified by Bowls New Zealand.
- 4.2 The National Selection Panel shall be appointed biennially by the Board on the recommendation of the Chief Executive.
- 4.3 The National Selection Panel shall comply with their responsibilities as specified in these Regulations (as amended from time to time by the Board) and as otherwise specified by Bowls New Zealand.
- 4.4 No person may be appointed as a member of the National Selection Panel if, in the Board's opinion, they have, or may have a conflict of interest arising out of a Player seeking selection.
- 4.5 The Board may also direct any member of the National Selection Panel to vacate the Panel for such period as the Board considers appropriate where the Board considers, in

its sole discretion, that the Selector has an association with a Player which may give rise to a question of bias or conflict of interest in the selection process.

- 4.6 Where any Selector advises the Chief Executive that s/he considers s/he is unable to meet his/her responsibilities under this Regulation, or the Board makes a direction under clause 4.5, the Board, will appoint a replacement to assume that Selector's role on the National Selection Panel.

## **5. PROCESS FOR SELECTION TO THE HIGH PERFORMANCE AND TALENT DEVELOPMENT SQUADS**

- 5.1 To be eligible for selection to the High Performance and Talent Development Squads, all Players seeking selection must first:

- (a) Be a current and financial member of a Bowling Club;
- (b) Comply with any applicable international requirements applicable to the event(s) for which any National Teams are being selected including those listed below (as updated from time to time); and
  - (i) for the World Bowls Championships and any other events held by or under the auspices of World Bowls a Player is qualified to represent a country competing in any World Bowls sanctioned international event (including all international events and all other events as prescribed by World Bowls) if:
    - s/he was born in New Zealand; or
    - s/he is a citizen of New Zealand; or
    - s/he has been a permanent resident of New Zealand for a period of twenty-four (24) months immediately prior to the event.

A Player who is eligible to represent two (2) or more countries competing in any World Bowls sanctioned international event (including all international events and all other events as prescribed by World Bowls), may upon notice being given to the World Bowls Board elect to represent either country.

A Player who is eligible to represent two (2) or more countries competing in any World Bowls sanctioned international event (including all international events and all other events as defined by World Bowls), who has previously represented a country in a World Bowls sanctioned international event (including all international events and all other events as prescribed by World Bowls) may not represent another country;

- for a period of at least twenty-four (24) months; or
  - without the approval of the National Authorities of both countries that the Player is eligible to represent; or
  - without the approval of the Board of World Bowls.
- (ii) The applicable eligibility criteria for Commonwealth Games, players may initially represent either their Commonwealth Country of birth or the Commonwealth Country of birth of his or her father or mother that shares the same citizenship/passport.

After having represented one Commonwealth Country at a Commonwealth Games, a competitor may not represent another Commonwealth Country unless s/he receives the approval of the Commonwealth Games Federation, World Bowls, and the affiliated Commonwealth Games Associations of the two Commonwealth Countries concerned.
  - (c) Not be in breach of, or under investigation for breach of, any anti-doping rules or policies including the World Anti-Doping Code, World Bowls Anti-Doping Regulations, Bowls New Zealand Anti-Doping Regulation or the rules or policies of any other sports related body;

- (d) Complete and sign the application form for selection and return it to the Chief Executive by no later than the date notified by the Chief Executive (which date must be prior to selection unless otherwise agreed with the Chief Executive).
- 5.2 If a Player is selected to the High Performance or Talent Development Squad, the Player acknowledges and agrees that:
  - (a) s/he will be required to sign and comply with the Bowls New Zealand Player Agreement by the date specified by the Chief Executive Officer;
  - (b) s/he may be subject to drug testing by Drug Free Sport New Zealand ("DFSNZ") and/or any other recognised drug testing authority, and must comply with the World Bowls Anti-Doping Regulations and the Bowls New Zealand Anti-Doping Regulation (which includes the Sports Anti-Doping Rules made by DFSNZ under the Sports Anti-Doping Act 2006); and
  - (c) s/he must maintain a designated level of fitness, and standard of competitiveness in accordance with the Bowls New Zealand Player Agreement.
  - (d) s/he must have and follow, to the best of their ability, an Individual Performance Plan with regular reporting against KPIs.
- 5.3 Failure to comply with any part of clauses 5.1 or 5.2 will result in the Player not being eligible for selection to the High Performance or Talent Development Squad or being withdrawn from such selection.
- 5.4 The decision of the National Selection Panel in selecting the players to the High Performance or Talent Development Squad shall be final and there is no right of appeal or review. The Selection Panel may, in its discretion, provide reasons for its decisions, but there is no obligation on it to do so.
- 5.5 The National Selection Panel may add or remove (see clause 11 below) a Player from the High Performance or Talent Development Squad at any time, in the discretion of the National Selection Panel.

## **6. CRITERIA FOR SELECTION TO THE HIGH PERFORMANCE SQUAD**

- 6.1 The overall objective to be considered by the National Selection Panel in determining the selection of Players to the High Performance or Talent Development Squad is to have available a pool of talented and competitive Players who have the potential to represent New Zealand successfully.
- 6.2 Subject to clauses 6.3 to 6.7, the National Selection Panel may consider the following factors in determining the selection of Players to the High Performance or Talent Development Squad:
  - (a) the performances and results of the Player at provincial, national and international level including:
    - (i) performances and results obtained especially those at international level;
    - (ii) consistency of performance/results especially those at national and international level;
    - (iii) versatility of the Player in their ability to play in a number of positions i.e. singles and within pairs, triples and fours;
    - (iv) ability and versatility in the range of shots;
    - (v) ability to adapt to different playing surfaces;
    - (vi) technical and tactical ability and mental aptitude; and
  - (b) whether the Player demonstrates the values and behaviours set out in clause 6.3 and the attributes set out in clause 6.4.

- 6.3 The values of Bowls New Zealand (Enjoy, Grow, Share, Honour and Succeed) as stated in the Bowls New Zealand Strategic Plan and also the following Blackjacks One Team values must be demonstrated by all Players: seeking selection and if selected, whilst a member of a High Performance or Talent Development Squad or the National Team

Values	Behaviour
<b>Respect</b>	<ul style="list-style-type: none"> <li>• Integrity-Acceptance of agreed team behaviours</li> <li>• Support-helping each other in all situations.</li> <li>• Preventing cliques/factions.</li> <li>• Being there for team mates on and off the green.</li> <li>• Sportsmanship-etiquette</li> </ul>
<b>Pride</b>	<ul style="list-style-type: none"> <li>• Resilience</li> <li>• Utilization of mental skills coach to work on Ideal Performance State and other associated mental skills.</li> <li>• Strive at all times to become a better player.</li> <li>• Belief</li> <li>• Pride in personal and team performance.</li> <li>• Honour and Passion</li> <li>• Pride in heritage and tradition of those before you.</li> <li>• Pride in appearance</li> </ul>
<b>Honesty</b>	<ul style="list-style-type: none"> <li>• Dedication-Commitment to preparation and the squad programme</li> <li>• Accountability-Identifying development needs and acting on them.</li> <li>• Organized commitment to IPP process and reporting.</li> <li>• Looking in the mirror rather than out the window.</li> <li>• No blame, no excuses.</li> </ul>

- 6.4 The attributes which must be demonstrated by all Players seeking selection and if selected, whilst a member of a High Performance or Talent Development Squad or the National Team are:

- adequate fitness;
- acceptance and support of coaching as determined by Bowls New Zealand;
- regular attendances at domestic and national tournaments and competitions;
- evidence of a positive attitude to training and commitment to the squad as displayed in previous teams and squads;
- demonstrated compatibility with other players;
- neatness in appearance;
- demonstrated compliance with the Laws of the Sport, the Bowls New Zealand Constitution, Regulations and policies of Bowls New Zealand; and
- willingness to promote and advocate participation in bowls and to promote Bowls New Zealand.

- 6.5 There is no obligation on the Selectors to select Players to fill any or all of the available places in the High Performance or Talent Development Squad.

- 6.6 In addition to the criteria set out in clauses 6.1 to 6.4 inclusive, in all selections for the High Performance or Talent Development Squad made under this Regulation, the National Selection Panel may decide in its absolute discretion to take account of any

Exceptional Circumstances (as defined in clause 3).

- 6.7 The National Selection Panel may give weight to any one or more of the factors or attributes listed in clauses 6.1 to 6.6 inclusive as it considers appropriate and no particular factor or attribute above shall be weighed more or less significantly by reason only of the order in which that criteria appears in this Regulation.

## **7 PROCESS FOR SELECTION TO NATIONAL TEAMS**

- 7.1 To be eligible for selection to a National Team under this Regulation, all Players seeking selection must:
- (a) meet the eligibility requirements for selection to the High Performance or Talent Development Squad set out in clause 5 of this Regulation; and,
  - (b) have and follow, to the best of their ability, an Individual Performance Plan with regular reporting against KPIs.
- 7.2 A Player seeking selection to a National Team does not have to be a member of the High Performance Squad or Talent Development in order to be selected to a National Team.
- 7.3 If a Player is selected to a National Team under this Regulation, the Player acknowledges and agrees that:
- (a) if s/he has not already signed the Bowls New Zealand Athlete Agreement s/he will be required to do sign and comply with that agreement by the date specified by the Chief Executive Officer;
  - (b) s/he may be subject to drug testing by DFSNZ and/or any other recognised drug testing authority, and must comply with the World Bowls Anti-Doping Regulations and the Bowls New Zealand Anti-Doping Regulation (which includes the Sports Anti-Doping Rules made by DFSNZ under the Sports Anti-Doping Act 2006); and
  - (c) s/he must maintain a designated level of fitness, and standard of competitiveness as provided in the Bowls New Zealand Athlete Agreement prior to the tournament, competition, tour or other activity for which s/he has been selected as set out in the Bowls New Zealand Athlete Agreement.
- 7.4 Failure to comply with any part of clauses 7.1 or 7.3 may result in the Player not being eligible for selection, being withdrawn from consideration for selection, or being withdrawn from a National Team.
- 7.5 Subject to the right of appeal in this Regulation, the decision of the National Selection Panel in selecting the players to a National Team shall be final. The National Selection Panel may, in its discretion, provide reasons for its decisions, but there is no obligation on it to do so.
- 7.6 The National Selection Panel will determine selections for National Teams by such dates as determined by the Board.
- 7.7 The period of selection to a National Team will be determined by the Chief Executive, in relation to the specific international tournaments, competitions, tours or other activities for which that Team has been selected. At the end of that period, the Player will return to the High Performance Squad or Talent Development and be subject to this Regulation and the Athlete Agreement.

## **8 CRITERIA FOR SELECTION TO NATIONAL TEAMS**

- 8.3 Subject to clause 12 (Commonwealth Games Selection), the overall objective to be considered by the National Selection Panel in determining the selection of Players to a National Team is to achieve the results at the tournament, competition or tour as specified in the Bowls New Zealand High Performance Plan.
- 8.4 Subject to clauses 8.3 to 8.5, the National Selection Panel may consider the following factors in determining the selection of Players to a National Team as follows:
- (a) the performances and results of the Player at national and international level over the two year period preceding the selection including:
    - (i) if a member of the High Performance or Talent Development Squad, the performances (including during training) in that Squad;
    - (ii) performances and results obtained especially those at international level,
    - (iii) consistency of performance/results especially those at national and international level;
    - (iv) versatility of the Player in their ability to play in a number of positions i.e. singles and within pairs, triples and fours;
    - (v) ability and versatility in the range of shots;
    - (vi) ability to adapt to different playing surfaces;
    - (vii) technical and tactical ability and mental aptitude; and
  - (b) whether the Player demonstrates any one or more of the values and behaviors set out in clause 6.3 and the attributes set out in clause 6.4; and,
  - (c) whether the Player has and has followed, to the best of their ability, an Individual Performance Plan with regular reporting against KPIs.
- 8.5 In addition to the criteria specified in clauses 8.1 and 8.2 (including clauses 6.3 and 6.4) in all selections for National Teams made under this Regulation the National Selection Panel may decide in its absolute discretion to take account of any Exceptional Circumstances (as defined in clause 3).
- 8.6 The National Selection Panel may give weight to any one or more of the factors listed in clauses 8.1 to 8.3 inclusive as it considers appropriate, and no particular factor above shall be weighed more or less significantly by reason only of the order in which that criteria appears in this Regulation.
- 8.7 This clause 8 shall not apply to selection of a National Team for the Commonwealth Games, and clause 12 shall apply.

## **9 NOTIFICATION OF SELECTION**

- 9.3 Subject to clause 12 (Commonwealth Games Selection), upon determining the Selected Players for the High Performance or Talent Development Squad, and/or any National Team(s) under this Regulation, the convenor of the National Selection Panel shall advise the Chief Executive (or his or her nominee) of the names of the Selected Players.
- 9.4 Players seeking selection to the High Performance or Talent Development Squad, and/or any National Team(s) under this Regulation shall then be notified by the Chief Executive (or his or her nominee) whether they have or have not been selected for a National Team (as the case may be) by email to the address specified in the completed application form as soon as practicable after the National Selection Panel has made its decision. The Chief Executive (or his or her nominee) may also advise the Selected Players of their selection by telephone or otherwise.

- 9.5 Any public announcement of any selections will be made by the Bowls New Zealand Chairperson or the Chief Executive.
- 9.6 This clause 9 shall not apply to the Commonwealth Games selection, and clause 12 shall apply.

## **10 APPEALS**

- 10.3 Subject to clause 12 (Commonwealth Games Selection) a Player who is aggrieved by a decision of the Selection Panel regarding their selection or non-selection to a National Team, may appeal such decision by the following process:
- (a) by notifying the Chief Executive of their wish to appeal the decision. This notification must be made in writing and received by the Chief Executive within 5 days of receipt of the written notification of the decision. On receipt of such notice the Chief Executive shall as soon as practicable convene a “without prejudice” meeting with the Chief Executive (or his/her nominee), as many members of the National Selection Panel as are available, the Player and their authorised representative, if any. The purpose of such meeting is to allow the National Selection Panel to explain the selection decision and to see whether the matter can be resolved by agreement.
  - (b) If there is no agreement following the process in clause 10.1(a), or the Player is still aggrieved after the process in (a) of this clause is completed, then s/he may appeal the decision by submitting it to the Sports Tribunal. Such appeal must be filed in accordance with the rules of the Sports Tribunal. The appeal shall be conducted in accordance with the rules of the Sports Tribunal.
- 10.4 This clause 10 shall not apply to the Commonwealth Games selection, and clause 12 shall apply.

## **11 REMOVAL/WITHDRAWAL FROM SELECTION**

- 11.3 A Selected Player may be removed from the High Performance or Talent Development Squad, or any National Team by the National Selection Panel and/or the Chief Executive if s/he:
- (a) breaches or fails to comply with this Regulation;
  - (b) breaches or fails to comply with the Bowls New Zealand Constitution and/or Regulations of Bowls New Zealand (including committing a doping offence or engaging in misconduct); the Laws of the Sport, or the Bowls New Zealand Player Agreement including the Bowls New Zealand Code of Conduct;
  - (c) brings him/herself, the High Performance or Talent Development Squad, a National Team, another Selected Player, an official, Bowls New Zealand or the sport of bowls, into disrepute; or
  - (d) has an illness or injury which in the National Selection Panel’s opinion prevents the Player from continuing to meet the criteria for selection;
- 11.4 Before removing a Player under clause 11.1, the Chief Executive shall notify the Player in writing of the alleged breach or grounds upon which it is proposed that s/he be withdrawn. S/he shall be given a reasonable opportunity (not being less than 7 days) to provide reasons why s/he should not be withdrawn.
- 11.5 A Selected Player may withdraw from selection by giving notice in writing to the Chief Executive.



- 11.6 If a Selected Player is withdrawn from selection, the National Selection Panel may consider another Player who in the National Selection Panel's opinion meets the criteria set out in this Regulation.

## **12 COMMONWEALTH GAMES NOMINATION & SELECTION**

- 12.3 Clauses 7, 8, 9 and 10 shall not apply to the nomination and selection of Players for the bowling section of the New Zealand team to compete in the Commonwealth Games. The Nomination Criteria and Selection Criteria issued by the New Zealand Olympic Committee shall apply to such nominations and selections. To the extent of any inconsistency between this Regulation and the criteria of the New Zealand Olympic Committee, the Nomination Criteria and Selection Criteria of the New Zealand Olympic Committee shall apply.

## **13 CHANGES TO THIS REGULATION**

- 13.3 The Board may change this Regulation from time to time in accordance with the Bowls New Zealand Constitution, provided that it shall provide as much notice of such change as is possible to all affected Players and members of Bowls New Zealand.

# **7. NATIONAL UMPIRE'S EXAMINATIONS – DOMESTIC REGULATION**

## **1. STATUS OF REGULATION**

This Regulation is supplementary to, and made in accordance with, Law 57 of the World Bowls Laws of the Sport of Bowls (Crystal Mark Fourth Edition), which permits Bowls New Zealand (as a Member National Authority) to make regulations to cover certain aspects of the sport. This Regulation applies to all members of Bowls New Zealand and all other people referred to in this Regulation.

## **2. COMMENCEMENT DATE**

Pursuant to Rule 25 of the Bowls New Zealand Constitution, the following Regulation has been adopted by the Board as a Regulation of Bowls New Zealand with effect from 14 September 2019.

## **3. DEFINITIONS**

The words used in this Regulation shall have the following meanings unless the context otherwise requires. Where no definition is specified in this Regulation the words shall have the meanings specified in the Bowls New Zealand Constitution.

### **"Centre"**

has the meaning set out in Rule 2 of the Bowls New Zealand Constitution.

### **"Centre Examining Panel"**

means the examining panel set up under Clause 6 of this Regulation to operate over or within the area of a Centre.

***“International Technical Official”***

means any person who is entered on the register maintained by the Umpire’s Committee as evidence that such person has been accredited by World Bowls as suitably qualified to carry out the duties of an International Technical Official.

***“Laws of the Sport” and “Laws”***

means the laws for playing the Game of Bowls as approved by World Bowls.

***“Registered Law Umpire”***

means any person who is entered on the register maintained by the Umpire’s Committee as evidence, that such person has passed the Law Umpire examination conducted under these regulations and is qualified to carry out the duties of a Law Umpire as prescribed by the Umpire’s Committee.

***“Registered Measurer” and “Measurer”***

means any person who is entered on the register maintained by the Umpire’s Committee as evidence that such person has passed the Measuring examination conducted under these regulations and is qualified to carry out the duties of a Measurer as prescribed by the Umpires Committee.

***“Registered Umpire” and “Umpire”***

means any person who is entered on the register maintained by Bowls New Zealand Umpire’s Committee.

***“Umpires Badge”***

means the Badge granted by Bowls New Zealand Umpire’s Committee as evidence that the recipient has passed the Umpire Accreditation Examination conducted under these Regulations.

***“Umpires’ Committee”***

means the umpires’ committee constituted under Rule 26 of the Bowls New Zealand Constitution.

#### **4. REGISTRATION**

**[a] Bowls New Zealand Standard**

A standard shall be established by Bowls New Zealand for:-

1. Registered Umpire
2. Registered Measurer, functioning solely to determine upon request all physical measurements as required by the Laws of the Sport
3. Registered Law Umpire, functioning solely on the written Laws of the Sport

All three categories shall be required to be re-accredited every four (4) years with any Member of a bowling club affiliated to Bowls New Zealand able to retain Registration.

**[b] Registers**

The Umpire’s Committee shall maintain:-

1. An Umpire Register
2. A Measurer Register
3. A Law Umpire Register
4. An International Technical Official Register

**[c] Registered Umpires**

1. Those on this Register shall have satisfied the requirements and standards of World Bowls as promulgated from time to time. Their duties shall be as prescribed in Law 43 of the Laws of the Sport and the associated Domestic Regulations.
2. To qualify they shall complete Measuring Procedures and a Laws Examination as set out by World Bowls and upon completion of the Examination, the name of each successful candidate shall be entered on the Bowls New Zealand Umpire Register. Candidates wishing to become a Registered Umpire must pass both sections.
3. Initial Registration upon accreditation shall be for a period of four years.
4. Bowls New Zealand shall issue successful candidates with a Bowls New Zealand Registration number, Badge and Flash. The Centre Committee/Association shall arrange presentation of the Badge and Flash.
5. Each successful candidate shall be recognised as a Registered Umpire throughout the area of jurisdiction of World Bowls.
6. To continue Registration every Umpire shall be required to be re-accredited every four years.

**[d] Registered Measurers**

1. A Measurer shall be a person who does not wish to take the full Umpire examination but has the skills necessary to carry out all the physical measurements that are required by a Registered Umpire.
2. Measurers:-
  - shall demonstrate a thorough knowledge of the Laws of the Sport and Regulations associated with measuring and shall demonstrate the same practical skills as shown by an umpire in carrying out the measuring tasks on a green;
  - their duties shall be all physical measurements and the checks as required under Law 42 of the Laws of the Sport;
  - shall not, under any circumstances, make any ruling relating to the meaning or interpretation of any Law or on a set of circumstances not covered by the Laws of the Sport;
  - may officiate at Club, Centre, Regional and National events in the area of jurisdiction of Bowls New Zealand; and
  - shall not be permitted to officiate at International events.
3. For a candidate to qualify they shall complete the Measuring Examination as set out by World Bowls and upon completion of Examination the name of each successful candidate shall be entered on the Bowls New Zealand Measurer Register.
4. Each successful candidate shall be issued with a Bowls New Zealand Registration Card and number and shall be recognised as a Registered Measurer throughout the area of jurisdiction of Bowls New Zealand.
5. Initial Registration upon accreditation shall be for a period of four years.
6. To continue Registration every Measurer shall be required to be re-accredited every four years by means of a practical assessment.
7. To further qualify as a Registered Umpire a Measurer need pass only the Laws Examination whilst remaining accredited as a Measurer. Their names shall be removed from the Measurers Register and transferred to the Umpire Register. Re-accreditation shall date from Registration as a Measurer.

**[e] Registered Law Umpire**

1. A Law Umpire shall be:
  - A Person who does not wish to take the full Umpire examination but has the skills necessary to correctly interpret the written Law;or:
  - A Registered Umpire who satisfies the re-accreditation criteria as to the Laws of the Sport and Regulations but for any reason is no longer able to carry out the physical duties of an Umpire.
2. A Law Umpire:
  - shall demonstrate a thorough knowledge of the Laws of the Sport and Regulations;
  - shall adjudicate on the written Law as required under Law 43 of the Laws of the Sport;
  - shall not, under any circumstances, determine any physical measurements;
  - may officiate at Club, Centre, Regional and National events in the area of jurisdiction of Bowls New Zealand; and
  - shall not be permitted to officiate at International events.
3. For a candidate to qualify they shall complete the Laws Examination as set out by World Bowls and upon completion of the Laws Examination the name of each successful candidate shall be entered on the Bowls New Zealand Law Umpires Register.
4. Each successful candidate shall be issued with a Bowls New Zealand Registration card and number and shall be recognised as a Registered Law Umpire, throughout the area of jurisdiction of Bowls New Zealand.
5. Initial Registration upon accreditation shall be for a period of four (4) years.
6. To continue Registration every Law Umpire shall be required to be re-accredited every four years by means of a Laws assessment.
7. To further qualify as a Registered Umpire a Law Umpire need pass only the Measurers Examination. Their name shall be removed from the Law Umpires Register and transferred to the Umpires Register.
8. Re-accreditation shall date from Registration as a Law Umpire.

**[f] Accreditation of International Technical Officials**

1. World Bowls will accredit suitably qualified umpires as International Technical Officials.
2. (a) The appointment of International Technical Officials will be mandatory at the Commonwealth Games and all top-tier World Bowls directly controlled events (for example, World Bowls, World Champion-of-Champions, World Cup, World Junior Cup).  
(b) A mix of International Technical Officials and umpires aspiring to be International Technical Officials will be appointed at second-tier events sanctioned by World Bowls.
3. Accreditation Procedures for International Technical Officials  
(a) Applications for accreditation as International Technical Officials will only be considered when an international event is allocated to a National Authority or when World Bowls sets the number of International Technical Officials that should be registered in a country.  
(b) The number of International Technical Officials in any country will be limited to the number set by World Bowls and future assessments will only take place either when the number on the register drops below the number

for that country set by World Bowls or an event allocated to that country requires a higher number of International Technical Officials than that set previously by World Bowls.

- (c) Applicants must meet the following qualifying criteria:
  - have actively officiated for a minimum period of three years. That is, have officiated annually for at least five events at any level for a combined total of at least twenty hours; and
  - have officiated in at least two International/National/National Division (State/County/Province/Region) events in the two years immediately prior to the date of application.
- (d) Applicants will submit details of their previous experience at International, National and National Division (State/County/Province/Region) levels. They should also prepare for submission (if requested by the National Authority or National Umpiring Body) documentary evidence that they have for a minimum period of three years Officiated annually in at least five events at any level for a combined total of at least 20 hours.
- (e) Applicants will sign the Application Form and representatives of both the National Umpiring Body and the National Authority will countersign it to confirm that they consider the candidate to be suitable to be assessed as an International Technical Official.
- (f) National Umpiring Bodies and/or National Authorities will check that applicants meet the qualifying criteria as set out in paragraph three above.
- (g) Applicants seeking accreditation as International Technical Officials will be invited to attend a four-part assessment which will comprise:-
  - marking a Singles Game;
  - undertaking a series of measures on an individual basis and answering a set of oral questions on the Laws of the Sport;
  - undertaking a series of measures in partnership with a colleague and answering a set of oral questions on the Laws of the Sport; and
  - making written comments on Pairs and Triples games and answering written questions on the Laws of the Sport.
- (h) World Bowls will approve and appoint an assessor to carry out the assessment process on its behalf. The assessor may or may not be a member of the National Umpiring Body.
- (i) World Bowls will maintain a register of International Technical Officials.

**[g] Qualifications from another World Bowls Member Country**

1. Umpires with qualifications may become registered in New Zealand if they produce, to the Bowls New Zealand Umpire's Committee, a clearance from their previous National Body certifying that they were members in good standing and had been an active Umpire during the preceding two years.
2. In addition, the candidate must satisfy Centre Committee Examiners of their knowledge of the Laws of the Sport and New Zealand Regulations and, demonstrate their competence in the practical use of all umpiring equipment.
3. When New Zealand Registration is approved the re-accreditation criteria shall apply

**[h] Membership Return**

The Secretary of each District Umpires Association/Committee shall inform the Bowls New Zealand Umpire's Committee by 31<sup>st</sup> December each year of any changes to the Umpire, Measurer and Law Umpire Register of their Centre due to death, change of status, transfer, or other cause.

## **5. RE-ACCREDITATION**

### **[a] Registered Umpire, Measurer and Law Umpire**

1. Initial Registration upon accreditation shall be for a period of four years.
2. To continue Registration after four years all Registered Umpires, Measurers and Law Umpires shall satisfy the provisions of Re-accreditation as stated in Clause (b) below.
3. If, before the due date for re-accreditation, a Measurer or a Law Umpire should successfully complete the Umpires Examination their name shall be transferred to the Bowls New Zealand Registered Umpire list. Re-accreditation shall date from Registration as a Measurer or Law Umpire.

### **[b] Re-accreditation**

For Umpires, Measurers and Law Umpires to maintain registration, the District Umpires Association/Committee shall certify to Bowls New Zealand, by the 31<sup>st</sup> December of each fourth year after Registration, that:-

1. They have, during the current year satisfied the District Umpires Association/Committee that:-
  - as an Umpire, they have maintained knowledge of the Laws of the Sport of Bowls and are fully competent in the practical use of all umpiring equipment approved for use by the Bowls New Zealand Umpires Committee;
  - as a Law Umpire, they have maintained knowledge of the Laws of the Sport; and
  - as a Measurer, they have maintained knowledge of the Laws of the Sport pertaining to measuring and are fully competent in the practical use of all approved umpiring equipment.
2. Taken an active role as an Umpire or Measurer or Law Umpire within the preceding 12 months.  
If members satisfy these requirements their status as a Registered Umpire, Measurer or Law Umpire shall continue for a further four years

### **[c] Conduct of Re-accreditation Assessment**

1. The emphasis of re-accreditation shall be re-education, if required, to a certain standard.
2. The subjects of the assessment shall be based on:-
  - The Laws of the Sport.
  - Bowls New Zealand Regulations that are relevant to the duties of an Umpire.
3. The Bowls New Zealand Umpires Committee shall prepare the assessment questions and model answers. Questions must be free of ambiguities.
4. Each District Umpires Association/Centre Committee Examining Panel shall use the approved questions and model answers.
5. A copy of all forms required in connection with the assessment shall be supplied to Centres by the Bowls New Zealand Umpires Committee free of charge.

### **[d] Inactive Umpire, Measurer or Law Umpire**

1. If a member fails to meet these requirements their Registration shall lapse and the member's name shall be placed on the Inactive Umpire or Measurer or Law Umpire list.
2. Members on an Inactive list shall not be appointed to officiate at Centre or National level until their Registration is resumed.

3. Registration may be resumed if the member satisfies the requirements of Clause (b) above within two calendar years and officiates at one event under supervision.

**[e] Retired Umpire, Measurer or Law Umpire**

When registration has lapsed for a period in excess of two years the member shall be deemed to have retired and their name shall be removed from the appropriate Bowls New Zealand register.

**[f] Leave of Absence**

Members who have genuine reasons for not being able to present themselves for re-accreditation on the due date may apply to their District Umpires Association/Centre Committee for 'Leave of Absence'.

1. Leave of absence shall only be granted for genuine reasons or for extended overseas travel.
2. The member's name shall be shown on the re-accreditation return form as 'On Leave of Absence' along with the reason for leave of absence being granted.
3. Members on Leave of Absence shall not be selected by the District Umpires Association/Centre Committee to officiate at any Centre, Regional or National event.
4. Members on Leave of Absence shall have their status as an Umpire or Measurer or Law Umpire resumed after satisfying the requirements of re-accreditation.
5. Leave of Absence shall not extend beyond a two year period from the date of re-accreditation.
6. If the term of leave should extend beyond the four year period registration will be deemed to have lapsed. The District Umpires Association/Centre Committee shall enter their names on the re-accreditation return form as Retired and their names shall be removed from the Register of Bowls New Zealand Umpires, Measurers or Law Umpires.

**[g] International Technical Official**

Upon certification as an International Technical Official, Registration under Clause (b) shall be extended for four years.

**[h] Membership Return**

The Secretary of each Centre and or Centre/District Umpires Association shall inform the Bowls New Zealand Umpires Committee by 31<sup>st</sup> December each year of any changes to the Umpire, Measurer, Law Umpire Register of their Centre due to death, change of status, transfer or other cause.

**6. CENTRE RE-ACCREDITATION PANEL**

- [a]** Each District Association/Centre Umpire Committee shall appoint, for re-accreditation proposes only, its own Centre Re-accreditation Panel. All appointees must be registered umpires.

- [b]** Each District Association/Centre Re-accreditation Panel shall regulate its procedure as directed by the Bowls New Zealand Umpires Committee.

- [c]** A Centre which has no Re-accreditation Panel may, with the prior approval of the Bowls New Zealand Umpires Committee, arrange with another Centre for its Re-accreditation Panel or members of the Panel to carry out the re-accreditation.

- [d] In a Centre in which a Centre Umpire's Committee or Association does not exist, prospective candidates may, with the prior approval of the Bowls New Zealand Umpires Committee, arrange with another Centre Committee for its Re-accreditation Panel or members of the Bowls New Zealand Umpires Committee to carry out the re-accreditation.

## **7. NATIONAL EXAMINATION**

### **[a] Scope of Examination**

1. The Examination shall be in two sections:-  
Measuring Examination  
Laws Examination

The subjects of the Examinations shall be based on:-  
The Laws of the Sport

### **[b] Candidates**

1. Candidates for examination must be:-
- a financial member of a Club affiliated to Bowls New Zealand
  - approved by the Centre Umpires Association/Umpires Committee

### **[c] Date of Examinations**

The examinations shall be held on a date or dates as prescribed by the Bowls New Zealand Umpires Committee

### **[d] Format of Examinations**

#### **1. Measuring Examination:-**

- The Measuring section shall be as prescribed by World Bowls and shall consist of a specified number of exercises which carry a possible number of marks.
- The Examiners shall use the approved exercises, questions and model answers.
- The Bowls New Zealand Umpires Committee will provide examiners.

#### **2. Law Examination:-**

- The Law section shall be as prescribed by World Bowls and shall consist of a specific number of questions which carry a possible number of marks.
- The Examiners shall use approved questions and model answers.
- The Bowls New Zealand Umpires Committee will provide examiners.

### **[e] Conduct of Examinations**

For the conduct of the Examinations the Bowls New Zealand Umpires Committee shall strictly adhere to the Rules and Regulations as prescribed and provided by World Bowls.

### **[f] Examination Fees**

1. The examination fee for each section of the examination shall be as fixed by the Bowls New Zealand Umpire's Committee from time to time and shall be payable by the candidate.
2. Each Centre shall collect the appropriate fee from each candidate and forward to the Bowls New Zealand Umpires Committee with the candidates application form.

### **[g] Notification of Results**

1. Upon confirmation of the pass marks the Secretary of the Umpires Committee shall forward to the Centre Umpires Association/Umpires Committee each candidate's registration number and appropriate regalia.



2. Upon receipt of the results the Centre Umpires Association/Umpires Committee shall:-  
inform each candidate of their result, and  
if required, arrange the presentation of the Badge and Flash.
3. The Umpire's Committee Secretary shall record each name on the appropriate Register.

**[h] Registration Number**

The Bowls New Zealand Umpires Committee Secretary shall issue each successful candidate with a registration number showing date of registration

**[i] Re-Sits**

**1. Umpires Examination:-**

- (a) If a candidate who is a Registered Measurer should fail the Law Examination:-  
their name shall remain on the register as a Bowls New Zealand Measurer; and  
they shall be entitled to re-sit the Law Examination at a later examination date  
at a fee as set by the Umpire's Committee.
- (b) If a candidate who is a Registered Law Umpire should fail the Measurers  
Examination:-  
their name shall remain on the register as a Bowls New Zealand Law Umpire;  
and  
they shall be entitled to re-sit the Measurers Examination at a later examination  
date at a fee as set by the Umpires Committee.
- (c) If a candidate who sits both sections should pass the Measurers Examination  
but fail the Law Examination:-  
their name shall be entered on the Bowls New Zealand Register as a  
Registered Measurer and as such shall be authorised to officiate as a Measurer  
throughout the area of jurisdiction of Bowls New Zealand; and  
they shall be entitled to re-sit the Law Examination at a later examination date  
at a fee as set by the Umpires Committee.
- (d) If a candidate who sits both sections should pass the Law Examination but fail  
the Measurers Examination:-  
their name shall be entered on the Bowls New Zealand Register as a  
Registered Law Umpire and as such shall be authorised to officiate as a Law  
Umpire throughout the area of jurisdiction of Bowls New Zealand; and  
they shall be entitled to re-sit the Measurer Examination at a later examination  
date at a fee as set by the Umpires Committee.

## **8. NATIONAL EVENTS – DOMESTIC REGULATION**

**1. Commencement Date**

Pursuant to the Bowls New Zealand Constitution, the following Regulation has been adopted by the Board of Bowls New Zealand as a Regulation of Bowls New Zealand with effect from 1<sup>st</sup> August 2011, and was updated on 18 September 2015, 1 December 2015, 21 November 2016 and 14 September 2019.

**2. Scope**

This Regulation shall apply to all National Events including (but not limited to):

- (a) National Champion of Champion Singles, Pairs, Triples and Fours  
Tournament;

- (b) National Interclub Tournament;
- (c) Bowls3Five Interclub Tournament;
- (d) National Inter-centre Tournament
- (e) National Age Group Tournaments as approved by Bowls New Zealand including National Secondary Schools
- (f) New Zealand National Open Championships
- (g) Other National events as approved by Bowls New Zealand from time to time

### 3. Definitions

The words and phrases used in this Regulation shall have the same meaning as defined in the Constitution of Bowls New Zealand, unless otherwise specified in these Regulations. For avoidance of doubt, the conventions used in the Laws of the Sport shall **not** apply to this Regulation unless expressly stated.

**“Bowls New Zealand Tournament Director”**

means the person appointed by Bowls New Zealand to oversee each National Event in accordance with clause 12 of this Regulation

**“Centre Qualifying Competition”**

means that part of the National Event in which players and teams seek to qualify for the National Event, and which is held by Centres, for and on behalf of Bowls New Zealand.

**“Centre Tournament Directors”** means the persons appointed by the Bowls New Zealand Tournament Director (in accordance with clause 13 of this Regulation) to be the Tournament Directors at Centre Qualifying Competitions.

**“Code of Conduct” and “Code”** means the Bowls New Zealand Code of Conduct, as amended from time to time by the Board.

**“Conditions of Play”** means the playing conditions, eligibility and other rules of the event under which each National Event is to be played (where applicable)

**“Host” or “Host Centre”** means the Club or the Centre where the Event is being held as determined by Bowls New Zealand in accordance with clause 10.2 of these Regulations.

**“Laws of the Sport”** means the World Bowls Laws of the Sport of Bowls (Crystal Mark Fourth Edition).

**“National Event”** means a bowls event held by, or under the auspices of, or administered by Bowls New Zealand (and includes the National Finals and Centre Qualifying Competitions) and includes those events listed in clause 2 of this Regulation.

**“National Finals”** means that part of the National Event, following any Centre Qualifying Competition and, at which players and teams compete to decide the overall winners of the National Event.

**“Participant”** means any person who participates in a National Event and includes players, coaches, managers who are Members of Bowls New Zealand or have acknowledged that they are bound by these Regulations.

**“Period of the Event”** means the period from the official opening, managers meeting or pre-event briefing immediately preceding the Centre Qualifying Competition in the National Event (whichever is the earlier) and shall end at the conclusion of the official closing, prize giving, or official functions for the National Finals at the National Event, (whichever is the latter).

**“Technical Official”** means the person(s) appointed by the Bowls New Zealand Tournament Director to officiate and umpire at a National Event to ensure compliance with the Conditions of Play, this Regulation, and the Laws of the Sport.

**“Tournament Director”** means the Centre Tournament Director or the Bowls New Zealand Tournament Director, whichever is applicable.

#### **4. Naming Rights and Sponsorship**

4.1 All National Events are owned by Bowls New Zealand and any sponsorship of them shall be decided by, and be the exclusive authority of, Bowls New Zealand. However, Centres may obtain sponsorship for Centre Qualifying Competitions, provided that:

- (a) The sponsorship is not provided by a person or entity that sells, markets, distributes or supplies products and services that are the same or similar to the products and services of any sponsor of the National Event; and
- (b) The sponsorship is not in all other respects in conflict with any sponsor of the National Event; and
- (c) Each Centre ensures that any potential sponsor of a Centre Qualifying Competition is aware of the requirements of this Regulation and if there is any doubt as to whether the above requirements may not be met, or if there could be a potential difficulty or conflict of interest, the CEO of Bowls New Zealand must be informed and his agreement to the sponsor obtained.

4.2 All signage for National Events, shall be determined by Bowls New Zealand.

#### **5. Conditions of Entry**

5.1 It shall be a condition of entry to each National Event that Participants agree to comply with the Code of Conduct annexed to this Regulation. Every Participant shall also be bound by these Regulations, the Conditions of Play, the Bowls New Zealand Constitution and all other Bowls New Zealand Regulations.

5.2 All Participants must be Playing Members of the Club / Centre they are representing.

5.3 All National Events shall be conducted under the Laws of the Sport.

5.4 The Conditions of Play may alter or restrict the requirements set out this Regulation.

#### **6. Clothing**

Players clothing and footwear at all National Events must comply with the Bowls New Zealand Footwear-Clothing Regulation.

## **7. Smoking and Alcohol**

Subject to any further restrictions in specific Conditions of Play, the following smoking and alcohol policies apply:

- (a) There shall be no smoking anywhere in a Club house or on the greens at a National Event. Smoking may only occur in designated smoking areas.
- (b) The drinking of alcohol at a National Event is restricted to the Club house at each venue. Drinking of alcohol outside of the Club house including on the greens is strictly prohibited.

## **8. Centre/Club Codes of Conduct**

Any Centre or Club may choose to adopt the Code of Conduct, with or without modification, so that it will apply to any event(s) held by, or under the auspices of, or administered by any Centre or Club.

## **9. Controlling Body**

- 9.1 Bowls New Zealand is the controlling body for all National Events and Centre Qualifying Competitions. It shall determine the regulations, including the Conditions of Play, for all National Events.
- 9.2 Bowls New Zealand delegates its authority as Controlling Body for Centre Qualifying Competitions to the Centre Tournament Directors.

## **10. Date and Venue**

- 10.1 The date and venue for all National Events shall be decided by Bowls New Zealand and shall be communicated through the Bowls New Zealand event calendar.
- 10.2 Bowls New Zealand will invite Clubs and Centres to apply to Bowls New Zealand to become a host venue for a National Event. All decisions regarding host Centres or Clubs for National Events rest with Bowls New Zealand.
- 10.3 Greens used for National Finals in National Events must achieve a rating of 55 points for natural surfaces and 35 points for artificial surfaces.

## **11. Centre Qualifying Competitions**

No Centre or Club shall hold a Centre Qualifying Competition at the same time as the following National Events are being played:

- (a) New Zealand National Open Championships;
- (b) National Finals of the New Zealand Interclub, Bowls3Five Interclub, or Intercentre; and
- (c) National Champion of Champion Singles, Pairs, Triples and, Fours.

## **12. Bowls New Zealand Tournament Director**

- 12.1 Bowls New Zealand will appoint a Bowls New Zealand Tournament Director for each National Event on such terms and conditions and for such number of National Events as it determines.
- 12.2 The Bowls New Zealand Tournament Director has delegated authority from Bowls New Zealand to be the Controlling Body for the National Event to the extent set out in these Regulations.
- 12.3 The Bowls New Zealand Tournament Director will be responsible, during the Period of the Event, for the overall control of the National Event, including:
- (a) **Fair Play:** ensuring that the Event is conducted fairly and in accordance with the Laws of the Sport and the Conditions of Play;
  - (b) **Variations:** varying the programme of the National Event, as s/he considers appropriate or necessary, where the weather or other conditions are unsuitable or result in travel delays, or in the case of indoor play, where is power failure and lighting is affected;
  - (c) **Suspending Play:** suspending play temporarily in any game or abandon a game if necessary or appropriate due to weather or other circumstances;
  - (d) **Questions on Conditions of Play:** deciding any questions received from Participants, Umpires or from a Centre Tournament Director about the interpretation of the Conditions of Play, or referring them to the Jury of Appeal, in accordance with these Regulations;
  - (e) **Players' Meeting:** at a convenient time prior to the commencement of play, convening a players' Meeting to ensure understanding of the Conditions of Play for the National Event, these Regulations, and the Code of Conduct. At this time, the Bowls New Zealand Tournament Director will also make available to players, a copy of the Appeal Form or otherwise inform players where such Appeal Form is available;
  - (f) **Breach of Code of Conduct:** receiving and deciding any allegations of breach(es) of the Code of Conduct referred to him/her under the Code or referring such allegations to the Bowls New Zealand Judicial Committee or to the Integrity Officer under the Anti-Match Fixing Regulation, as specified in the Code;
  - (g) **Law 43.2.6:** receiving and referring to the Jury of Appeal, any appeal by a Player against a decision of a Technical Official, under Law 43.2.6 of the Laws of the Sport, as set out in these Regulations; and
  - (h) **Law 36:** referring to the Bowls New Zealand Judicial Committee any appeal made against a decision of deliberate non sporting action under Law 36 of the Laws of the Sport, as set out in these Regulations.
- 12.4 The Bowls New Zealand Tournament Director will also be responsible for appointing the Chief Technical Official/Umpire in consultation with the chairperson of the Bowls New Zealand Technical Official/Umpires Committee.

## **13. Centre Tournament Directors**

- 13.1 Where a National Event has Centre Qualifying Competitions, the Bowls New Zealand Tournament Director shall appoint a Centre Tournament Director in consultation with the applicable Centre.

- 13.2 The Centre Tournament Directors have delegated authority from Bowls New Zealand to be the Controlling Body for the Centre Qualifying Competition for which they are appointed, to the extent set out in these Regulations.
- 13.3 The Centre Tournament Directors will be responsible, during the Period of the Event, for the overall control of the Event, including:
- (a) **Fair Play:** ensuring that the Event is conducted fairly and in accordance with the Laws of the Sport and the Conditions of Play;
  - (b) **Variations:** varying the programme of the competition as s/he considers appropriate or necessary, where the weather or other conditions are unsuitable or result in travel delays, or in the case of indoor play, where is power failure and lighting is affected;
  - (c) **Suspending Play:** suspending play temporarily in any game or abandon a game if necessary or appropriate due to weather or other circumstances;
  - (d) **Questions on Conditions of Play:** referring to the Bowls New Zealand Tournament Director, any questions about the interpretation of the Conditions of Play;
  - (e) **Players' Meeting:** at a convenient time prior to the commencement of play, convening a players' Meeting to ensure understanding of the Conditions of Play for the competition, these Regulations, and the Code of Conduct. At this time, the Centre Tournament Director will also make available to players, a copy of the Appeal Form or otherwise inform players where such Appeal Form is available;
  - (f) **Breach of Code of Conduct:** receiving and referring to the Bowls New Zealand Tournament Director any allegations of breach(es) of the Code of Conduct referred to him/her under the Code, or referring such allegations to the Bowls New Zealand Judicial Committee or to the Integrity Officer under the Anti-Match Fixing Regulation, as specified in the Code;
  - (g) **Law 43.2.6:** receiving and referring to the Bowls New Zealand Tournament Director, any appeal by a Player against a decision of a Technical Official, under Law 43.2.6 of the Laws of the Sport, as set out in these Regulations; and
  - (h) **Law 36:** referring to the Bowls New Zealand Tournament Director any appeal made against a decision of deliberate non sporting action under Law 36 of the Laws of the Sport, as set out in these Regulations.

#### 14. Jury of Appeal

- 14.1 The Bowls New Zealand CEO shall appoint a Jury of Appeal prior to the start of each National Event to serve for that National Event. The Jury of Appeal shall comprise of three people who have extensive knowledge of the game and are independent. The Jury of Appeal may act with two of its three members, if necessary.
- 14.2 All persons on the Jury of Appeal must be independent of the parties and must disclose immediately any circumstance likely to compromise their independence. A person must exclude himself or herself from the Jury of Appeal if there are legitimate doubts as to his or her independence. In addition, the Bowls New Zealand CEO shall have the power to exclude from the Jury of Appeal any person who, in its opinion, is not independent of the parties and appoint another person in his/her place.
- 14.3 All persons on the Jury of the Appeal must be available to attend or participate in (by teleconference or other electronic means if necessary) a hearing at any time during the National Event.
- 14.4 The powers of the Jury of Appeal are to:

- (a) **Conditions of Play:** decide any question about the interpretation of the Conditions of Play at a National Event which is referred to it by the Bowls New Zealand Tournament Director;
- (b) **Law 43.2.6:** decide any appeal, referred to it by the Bowls New Zealand Tournament Director, by a Participant against a decision of a Technical Official, under Law 43.2.6 of the Laws of the Sport.

The Jury of Appeal has no power to consider or decide on any allegations of breaches of the Code of Conduct.

## **15. Procedure for Deciding Questions About Interpretation of Conditions of Play**

- 15.1 **Raising Question:** Any Participant or Umpire in a game at a National Event may verbally raise a question about the interpretation of the Conditions of Play, with the Tournament Director.
- 15.2 **Process for Centre Tournament Director:** On receiving a question about the interpretation of the Conditions of Play, the Centre Tournament Director shall immediately:
  - (a) consult with all the persons involved in the game to obtain their views on the question and the circumstances surrounding it; and,
  - (b) either consider and decide the question, in which case they shall immediately inform the Participants in the game of such decision **or**, in their discretion, refer the question to the Bowls New Zealand Tournament Director.
- 15.3 **Process for Bowls New Zealand Tournament Director:** On receiving a question about the interpretation of the Conditions of Play (whether directly or as referred to him/her by the Centre Tournament Director in accordance with clause 15.2(b)), the Bowls New Zealand Tournament Director shall immediately:
  - (a) consult with all the persons involved in the game and/or the Centre Tournament Director, if relevant, to obtain their views on the question and the circumstances surrounding it; and,
  - (b) either consider and decide the question, in which case they shall immediately inform the Participants in the game of such decision **or**, in their discretion, refer the question to the Jury of Appeal.
- 15.4 **Hearing:** If a question under clause 15.3(b) is referred to the Jury of Appeal, it shall convene and have a hearing as soon as practicable. The Bowls New Zealand Tournament Director shall provide a verbal report on the question including the views from those consulted under clause 15.3(a) and clause 15.2(a), if applicable. The Jury of Appeal shall then decide the question as soon as possible and once decided immediately inform the Bowls New Zealand Tournament Director verbally of that decision, who shall in turn inform the Participants in the game and where relevant, the Centre Tournament Director.

## **16. Procedure for Breaches of Code of Conduct**

- 16.1 Any alleged breach of the Code of Conduct shall be dealt with in accordance with the procedure for breaches set out in the Code.

## **17. Procedure for Appeals under Law 43.2.6 (Decision of Technical Official)**

- 17.1 **Law 43.2:** Law 43.2 of the Laws of the Sport sets out an Umpire's duties. Laws 43.2.6 provides that:

*"the Umpire's decision is final in all circumstances except those relating to the meaning or interpretation of a law, in which case there will be a right of appeal to the Controlling Body"*

- 17.2 **Scope of Appeal:** Any Participant who wishes to appeal a decision of a Technical Official in a game at a National Event may do so, only if such appeal relates to the meaning or interpretation of a law in the Laws of the Sport.
- 17.3 **Lodging Appeal:** Any such appeal must be made in writing on the prescribed Appeal Form, signed by the Participant and lodged with the Tournament Director within 30 minutes of the conclusion of the game.
- 17.4 **Appeal not affect Decision:** The lodging of an appeal under this clause does not act as a stay of the Technical Official's decision, and pending determination of the appeal, the Technical Official's decision shall be valid.
- 17.5 **Process for Bowls New Zealand Tournament Director:** On receipt of an appeal made in accordance with clauses 17.3, the Bowls New Zealand Tournament Director shall as soon as practicable:
- (a) inform the Technical Official concerned of the appeal including providing them with a copy of the Players Appeal Form;
  - (b) inform the Technical Official that he or she is required to submit a Technical Official Report on all the circumstances leading up to and including the details in the game which is the subject matter of the appeal, and to forward it to the Tournament Director within 24 hours of such notification; and
  - (c) forward the Appeals Form and the Technical Official Report, to the Jury of Appeal for determination of the appeal.
- 17.6 **Process for Jury of Appeal:** On receipt of an appeal, the Jury of Appeal shall, as soon as practicable:
- (a) decide if the appeal relates to the meaning or interpretation of a law in the Laws of the Sport and as such has jurisdiction to determine the appeal;
  - (b) if it considers it does not have jurisdiction to determine the appeal, it will dismiss the appeal on this basis and inform the Bowls New Zealand Tournament Director, who shall in turn advise the relevant Participant and the Technical Official.
  - (c) if it considers it does have jurisdiction, then it shall consider the Appeals Form, the Technical Official Report and any other additional evidence it considers appropriate as soon as practicable. The Participant and the Technical Official shall be given a reasonable opportunity to review any such additional evidence (which will usually be 24 hours or shorter if less than 24 hours until the end of the Event) and to make submissions on all the evidence and the issues in the appeal. Having heard and considered such evidence and submissions, the Jury of Appeal shall determine if the appeal is to be upheld or dismissed in the manner set out in clause 17.7 below.
- 17.7 **If Decision in Error:** If the Jury of Appeal decides that the decision of the Technical Official was in error (whether partly or whole):
- (a) it shall order the appeal to be upheld and immediately inform the Bowls New Zealand Tournament Director who shall in turn, immediately inform the Participant and the Technical Official.
  - (b) if the result of the game in which the erroneous decision was made affected a subsequent draw, game(s), tournament result or other decision prior to the Jury of Appeals' decision being delivered, then the result of the game which gave rise to the appeal shall not be altered. However, the Bowls New Zealand Tournament Director must inform the Participant, the Technical Official, the Clubs and Centres of the players who played, of such decision so that they are aware of the meaning or interpretation to the given to the relevant law in the future; or



- (c) if the result of the game in which the erroneous decision was made will not affect, or has not affected, any subsequent draw, game(s), tournament result or other decision prior to the Jury of Appeals' decision being delivered, the Jury of Appeal shall make such adjustments to the score of the game and/or the tournament in which the game was held or any other subsequent tournaments and/or order any other further action it considers appropriate to rectify the result.
- 17.8 **If Decision Correct:** If the Jury of Appeal decides that the decision of the Technical Official was correct, it shall immediately inform the Bowls New Zealand Tournament Director who shall in turn, immediately inform the Participant and the Technical Official
- 18. Procedure for Appeals under Law 36.1 (Deliberate Non-Sporting Action)**
- 18.1 **Law 36:** Law 36.1 of the Laws of the Sport provides that:
- 36.1 If an opponent, the manager in a side game, the umpire or the Controlling Body decides that a player has deliberately committed an act designed to give them or their team an unfair advantage, they can appeal to the Controlling Body.
  - 36.2 If an appeal is made, it should be made to the Controlling Body no later than 24 hours after the final end in the game affected is completed.
  - 36.3 The person making the appeal should take immediate steps to send details to the Secretary of the Controlling Body who should arrange for it to be dealt with in line with their code of conduct and disciplinary procedures.
- 18.2 **Lodging appeal:** Any appeal under Law 36.1 of the Laws of the Sport, shall be dealt with in accordance with the procedure for Misconduct (as an alleged breach of the Laws of the Sport) set out in the Code.

## 9. DELEGATES – DOMESTIC REGULATION

### 1. Purpose and Status of Regulation

- 1.1 This Regulation provides details about the process for electing delegates to represent the Centres at General Meetings of Bowls New Zealand.

### 2. Commencement Date

- 2.1 This Regulation shall come into force on 14 September 2019 ("Commencement Date") to replace the Bowls New Zealand Regions and Delegates Regulation dated 1 December 2015. This Regulation shall continue in force until such time as it is revoked by the Board.

### 3. Application of this Regulation

- 3.1 This Regulation applies to all Members of Bowls New Zealand, Officers, and Appointed Personnel.

### 4. Interpretation

- 4.1 Every reference to the "Constitution" shall mean the Bowls New Zealand Constitution unless specified otherwise. The words and phrases used in this Regulation shall have the

same meaning as defined in the Constitution unless specified otherwise. Every reference to a “clause” shall be a clause in this Regulation unless specified otherwise.

- 4.2 For the purposes of this Regulation a “Year” means the period from 1 July to 30 June the following year. References to a “year”, without an initial capital, shall mean a calendar year.

## **5. Centres**

- 5.1 The twenty-seven (27) Centres of Bowls New Zealand, are as specified in the Constitution.

## **6. Process for Appointing Delegates to General Meetings of Bowls New Zealand**

- 6.1 In accordance with clause 21.5 of the Constitution, each Centre shall appoint one (1) delegate to represent them at General Meetings of Bowls New Zealand held during each Year (“Delegate”).
- 6.2 The Delegate for each Centre shall be elected by the Centre in accordance with this Regulation.
- 6.3 The procedure for the Centres to elect their Delegate shall be as follows:
- a. The Bowls New Zealand Chief Executive will call for each Centre to elect a Delegate to represent them at General Meetings of Bowls New Zealand held in each Year.
  - b. Elected delegates must complete the form prescribed by the Bowls New Zealand Board.
  - c. Centres must notify Bowls New Zealand of their elected delegate for the upcoming Year no later than 15 June in each year.
  - d. Delegates must meet the criteria as set out in clause 21.5 of the Constitution.
  - e. The Bowls New Zealand Chief Executive will keep a register of all elected Delegates each Year.
- 6.4 If a Delegate is unable to attend a General Meeting held in the Year due to sickness or other good reasons, then the Centre will notify the Chief Executive and nominate a substitute Delegate for that General Meeting and the Chief Executive will update the register. If there is no such nominee, the Centre may arrange a proxy as defined in clause 21.5.3 of the Constitution, or failing that, no substitute Delegate will be appointed.

## **7. Breach of Regulation**

- 7.1 Any breach of this Regulation shall be dealt with in accordance with the Constitution and applicable Regulations of Bowls New Zealand.

## **8. Amendment**

- 8.1 This Regulation may be amended by the Board in accordance with the Constitution provided such amendments are not inconsistent with the Constitution.

# **10. TRANSGENDER POLICY**

Bowls New Zealand has developed a policy in respect of transgender people, which includes those who are transsexual and transgender, in all aspects of the Sport: bowlers, employees, coaches, officials, volunteers and spectators.

Bowls New Zealand will promote a zero-tolerance approach to transphobia. Transphobia includes discriminatory language or behaviour directed towards anyone who comes under the umbrella term of transgender; in addition, it may be towards a transsexual person's friend or supporter, or anyone that may be perceived to be a transsexual person (whether they are transsexual or not). The behaviour may include a reluctance or refusal to provide access to services to the same extent as that provided for a non-transsexual person. Bowls New Zealand and its members will ensure that any unacceptable behaviour and language is tackled effectively and appropriately with sanctions and/or educational programmes implemented to ensure compliance and the creation of a safe, inclusive and welcoming environment for trans people.

The following points are considered good practice for all Bowls New Zealand and its members:

- Treat the individual with dignity and respect.
- Explain the Bowls New Zealand policy and procedure to the individual and ask their view on how to proceed. Provide contact details for the Bowls New Zealand contact.
- Respect the private and confidential nature of the individual's situation.
- Agree with the individual what information is to be shared with others and, if this is necessary, how this should be shared. In general, no information should be shared by the local official unless they have express permission from the transsexual person.
- Ask the individual what communal changing facilities they would prefer to use, as not every changing facility will have private cubicles. This will depend on whether the individual has transitioned or is in the process of transitioning and whether they have undergone any gender reassignment surgery. It may be that the most appropriate option is to use the cubicles in the toilets appropriate to their full-time gender role, or that they should arrive changed and ready to participate, to avoid any misunderstanding should they still have secondary sex characteristics of their former gender.
- Encourage the individual to feedback any inappropriate language or behaviour from other individuals so that it can be dealt with.
- Ensure a Code of Conduct is publicized indicating their zero-tolerance policy towards all bullying/harassment of people with protected characteristics

### **Trans people competing under the Bowls New Zealand banner:**

Bowls New Zealand and its members must not restrict the participation of a transsexual person in competitive sport unless this is strictly necessary to uphold fair competition; any other restriction would amount to direct discrimination.

Bowls New Zealand and its members should treat a transsexual person as belonging to the sex in which they present (as opposed to the biological sex they were born with) unless this might give the transsexual person an unfair advantage. Any negative effect of restricting the participation of transsexual people must be mitigated as far as possible, to permit as much inclusion as is fair.

Bowls New Zealand recognises that consistency with World Bowls' position is appropriate for international competition.

For the time being, the designated point of contact at Bowls New Zealand for all enquiries relating to the participation of transgender or transsexual people in Bowls is the High Performance Manager, who will liaise with Bowls New Zealand's CEO.

### **Trans people as Bowls New Zealand employees:**

Any discrimination, unfair or unreasonable behaviour, or treatment will be taken seriously and action taken in accordance with Bowls New Zealand Constitution and Regulations.

**Definitions:****Sex:**

A person's biological and physical makeup, defined usually as either 'male' or 'female' and including indeterminate sex.

**Gender:**

The social and cultural construction of what it means to be a man or a woman, including roles, expectations, and behaviour.

**Gender Identity:**

A person's internal, deeply felt sense of being male or female (or wherever they find themselves on the gender continuum). A person's gender identity may or may not correspond with their sex.

**Gender Expression:** How someone expresses their sense of masculinity and/or femininity externally.

**Trans People:**

People who refer to themselves, among other terms, as transsexual, male-to-female, female-to-male, transgender, whakawahine, fa'afafine or tangata ira tane.

**Transgender:**

A person whose gender identity is different from their physical sex at birth. **Transsexual:** A person who has changed, or is in the process of changing, their physical sex to conform to their gender identity.

**Transitioning:**

Steps taken by trans people to live in their gender identity. These often involve medical treatment to change one's sex through hormone therapy and may involve gender reassignment/realignment surgeries.

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## BOWLS CHALLENGE FORM

Name of Challenger: \_\_\_\_\_

(Opponent, Manager, Umpire, Controlling Body)

(Delete those that do not apply)

Description of Bowls Challenged:

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(Please include Model, Manufacturer, Serial Number and Description of Monogram)

Grounds for Challenge:

- |                                                                   |          |
|-------------------------------------------------------------------|----------|
| (i) bias less than that of the Working Reference bowl             | YES / NO |
| (ii) have different bias                                          | YES / NO |
| (iii) exceed the weight specified in Law 52.1.7                   | YES / NO |
| (iv) are larger or smaller than the diameter stated in Law 52.1.7 | YES / NO |
| (v) do not come from the same set as defined in Definitions D3    | YES / NO |

Deposit of \$150.00 Paid: \_\_\_\_\_

(Detail Receipt Number)

Signature of Challenger: \_\_\_\_\_

Signature of Umpire accepting Challenge: \_\_\_\_\_

**PLEASE ENSURE THAT A COPY OF THE COMPLETED FORM IS HANDED TO THE CHALLENGER AND TO THE PLAYER WHO'S BOWLS HAVE BEEN CHALLENGED**

## ANTI-DOPING – ATHLETE CONSENT FORM

As a member of Bowls New Zealand and/or a participant in an event authorized or recognized by Bowls New Zealand or World Bowls or any other World Bowls recognised controlling body of an event, I hereby declare as follows:

1. I acknowledge that I am bound by, and confirm that I shall comply with, all of the provisions of the Bowls New Zealand Anti-Doping Regulation, which include the Sports Anti-Doping Rules (as amended from time to time), the World Bowls Anti-Doping Regulations (as amended from time to time), the World Anti-Doping Code (the “**Code**”) and the *International Standards* issued by the World Anti-Doping Agency, as amended from time to time, and published on WADA’s website.
2. I consent and agree to the creation of my profile in the WADA Doping Control Clearing House (“**ADAMS**”), as requested under the *Code* to which World Bowls is a *Signatory*, and/or any other authorized *National Anti-Doping Organization’s* similar system for the sharing of information, and to the entry on my *Doping Control*, *Whereabouts* and *Therapeutic Use Exemptions* related data in such systems.
3. I acknowledge the authority of World Bowls, its member National Federations including Bowls New Zealand, and/or *National Anti-Doping Organizations*, including DFSNZ, under the World Bowls Anti-Doping Regulations to enforce, to manage results under, and to impose sanctions in accordance with the World Bowls Anti-Doping Regulations and Bowls New Zealand Anti-Doping Regulations.
4. I acknowledge and agree that any dispute arising out of a decision made pursuant to the Bowls New Zealand Anti-Doping Regulations or the World Bowls Anti-Doping Regulations, after exhaustion of the process expressly provided for in those regulations, may be appealed exclusively as provided in Article 13 of the World Bowls Anti-Doping Regulations to an appellate body for final and binding arbitration, which in the case of *International-Level Athletes* is the Court of Arbitration for Sport (CAS).
5. I acknowledge and agree that the decisions of the arbitral appellate body referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.

I have read and understand the present declaration.

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Date

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Print Name (Last Name, First Name)

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Date of Birth  
(Day/Month/Year)

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Signature (or, if a minor, signature of  
Legal Guardian)

## FORM 1 – APPLICATION FOR PROCEEDINGS TO BE HEARD BY THE BOWLS NEW ZEALAND JUDICIAL COMMITTEE

### 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			

### 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

### Details of Respondent (Individual Member, Club, Centre or Bowls New Zealand)

Name	TITLE	FIRST NAME	SURNAME
Postal Address	STREET		SUBURB
	CITY		POSTCODE



### **Alleged Dispute, Misconduct or Jurisdictional Issue**

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

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- (b) Give details of the National Event, International event or other place at which the alleged Dispute, Misconduct occurred.

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- (c) Summarise the evidence which will be produced in support of the alleged Dispute, Misconduct or jurisdictional issue (the summary will not prevent further evidence being brought in accordance with any direction given by the Bowls New Zealand Judicial Committee).

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### **Result Sought**

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

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## Authority

Name	TITLE	FIRST NAME	SURNAME
Signed			
Position			
Date			

### Filing and Service Instructions

1. This application should be signed and filed with the Registrar at the address given below.
2. The application should be accompanied by the prescribed filing fee of \$100.00 together with a copy of the applicable rules or policies which give the Applicant the basis for bringing the allegations.
3. 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 serve (by email, post, courier, facsimile or personally) a copy of this application and attachments on the Respondent as soon as practical after the original has been filed with the Registrar and provide confirmation of this to the Registrar.

The Registrar  
Bowls New Zealand  
PO Box 62502  
Greenlane  
Auckland, 1546

Phone: 09 579 5853  
Fax: 09 579 6935  
Email: [info@bowlsnewzealand.co.nz](mailto:info@bowlsnewzealand.co.nz)

## FORM 2 – NOTICE OF APPEAL AGAINST A CLUB OR CENTRE DECISION

### Details of the Person/Organisation Appealing (“the Appellant”)

Name		
Postal Address	STREET	SUBURB
	CITY	POSTCODE

### Contact Person (if Organisation)

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

### Details of Respondent (Club or Centre)

Name		
Postal Address	STREET	SUBURB
	CITY	POSTCODE

### Contact Person

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

**Details of Representative** (if applicable)

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

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

**Interested Parties** (if applicable)

Are there any other persons or organisations who, or which, may be directly affected by, or who have a sufficiently close interest in, the outcome of these Proceedings? If so, please insert their contact details. Continue on separate page if necessary.

Name:	TITLE	FIRST NAME	SURNAME
Firm/Company /Club/Centre			
Postal Address	STREET	SUBURB	
	CITY	POSTCODE	
Telephone	WORK	MOBILE	
Facsimile	WORK		
Email			

Reason person(s) / organisation(s) may be affected or have a sufficiently close interest in outcome:


### **Jurisdiction**

Specify the basis on which the Appellant has a right of appeal (i.e. give details of the constitution, rules, or regulations of the Club or Centre which gives a right of appeal to the Regional Judicial Committee).

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### **Steps Taken**

Specify the steps taken by the Appellant to date, in terms of any other avenues of appeal already taken under the constitution, rules or regulations of the Club or the Centre, as the case may be.

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### **Decision being Appealed**

Please provide details of the decision which you are appealing against, including which committee or person with the Respondent made the decision, the date it was made, and the nature of the decision (e.g. selection, misconduct).

Please also attach a copy of the decision being appealed.

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## Grounds of Appeal

Specify the grounds upon which the appeal is brought. These grounds must either be as set out in the relevant constitution, rules or regulations of the Club or Centre appealed from or if there are no such grounds in such documents, then they must be in accordance with the grounds of appeal as set out in the Bowls New Zealand Regulation Nine – Judicial. Your submissions on these grounds of appeal are to be included in your appeal brief (**Form 3**).

## 3. Outcome Sought

Please specify the outcome or relief you are seeking from the appeal.

Signed

Date

### **Filing and Service Instructions**

1. This application should be signed and filed with the Registrar at the address given below.
2. The application should be accompanied by the prescribed filing fee of \$100.00 together with a copy of the applicable constitution, rules or policies which give the Appellant the basis for bringing the allegations.
3. The Appellant is to serve (by email, post, courier, facsimile or personally) a copy of this application and attachments on the Respondent as soon as practical after the original has been filed with the Registrar and provide confirmation of this to the Registrar.

The Registrar  
Bowls New Zealand  
PO Box 62502  
Greenlane  
Auckland, 1546

Phone: 09 579 5853  
Fax: 09 579 6935  
Email: [info@bowlsnewzealand.co.nz](mailto:info@bowlsnewzealand.co.nz)

## FORM 3 – APPEAL BRIEF

### Parties

Name of Appellant	TITLE	FIRST NAME	SURNAME
Name of Respondent	TITLE	FIRST NAME	SURNAME

### Appeal

As the Appellant I/we wish to appeal the decision of the Respondent.

Dated	DAY	MONTH	YEAR
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Upon the grounds set out in my/our Notice of Appeal.

The facts supporting those grounds of appeal are as follows:

Please set out your version of events leading up to the decision of the Respondent and surrounding the decision itself. You must also attach to this application, copies of any statement of evidence from your witnesses and any exhibits which you intend to rely upon in this appeal. Continue on separate pages if necessary.


### Grounds of Appeal

By referring to the grounds of appeal specified in your Notice of Appeal, please make submissions on why and how you consider the decision of the Respondent was wrong or incorrect.




## Outcome

Please specify the outcome or relief you are seeking from the appeal.

## Signature of Appellant

An Appellant's representative may sign on behalf of the Appellant and, in so doing, undertakes s/he has the authority to do so.

Signed

Position

Date

### Filing and Service Instructions

1. This Appeal Brief should be signed and filed with the Registrar at the address given below within ten working days of the filing of the Notice of Appeal (Form 2).
2. The Appeal Brief should be accompanied by copies of all documents upon which the Appellant relies, and which have not already been filed and served, including (where relevant) the briefs of evidence and other material considered at the hearing where the decision appealed from was made.
3. The Appellant is to serve (by email, post, courier, facsimile or personally) a copy of this Appeal Brief and attachments on the Respondent within ten Working Days of the filing of the Notice of Appeal with the Registrar and provide confirmation of this to the Registrar.

The Registrar  
Bowls New Zealand  
PO Box 62502  
Greenlane  
Auckland, 1546

Phone: 09 579 5853  
Fax: 09 579 6935  
Email: [info@bowlsnewzealand.co.nz](mailto:info@bowlsnewzealand.co.nz)

## Parties

## Response to Appeal

- (a) it does /does not (strike out as applicable) consider the Regional Judicial Committee has jurisdiction to hear and determine this appeal, and if it does not, see its reasons specified below;
- (b) its response to each of the grounds of appeal stated in the Notice of Appeal and Appeal Brief are set out below.

(complete this section only if you object to the Bowls New Zealand Judicial Committee jurisdiction)

## Response to the Notice of Appeal

Please set out in detail your response to the facts contained in the Notice of Appeal and Appeal Brief. Please note that if you have objected to the Bowls New Zealand Judicial Committee's jurisdiction you will still need to complete this section. This will not be taken as acceptance of such jurisdiction. Continue on separate pages if necessary.

In response to the Appellant, the Respondent says that:

## Response to Grounds of Appeal

Please set out in detail your response to the Appellant's statement of why and how she/he/it considers the decision being appealed was wrong or incorrect as contained in the Notice of Appeal and Appeal Brief.


## Signature of Respondent

A Respondent's representative may sign on behalf of the Respondent and, in so doing, undertakes s/he has the authority to do so.

Signed

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Name (print)

TITLE	FIRST NAME	SURNAME

Position

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Date

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## Filing and Service Instructions

1. This Statement of Defence should be signed and filed with the Registrar at the address given below within 14 Working Days of the Respondent receiving the Appeal Brief.
2. The Statement of Defence should be accompanied by copies of all documents upon which the Respondent relies.
3. The Respondent must serve (by email, post, courier, facsimile or personally) a copy of this Statement of Defence and documents upon which the Respondent relies to the Appellant at the address shown on the Notice of Appeal at the same time as they are filed with the Registrar and provide confirmation of this to the Registrar.

The Registrar  
Bowls New Zealand  
PO Box 62502  
Greenlane  
Auckland, 1546

Phone: 09 579 5853  
Fax: 09 579 6935  
Email: [info@bowlsnewzealand.co.nz](mailto:info@bowlsnewzealand.co.nz)

## FORM 5 - APPLICATION FOR SELECTION TO THE HIGH PERFORMANCE OR TALENT DEVELOPMENT SQUAD AND NATIONAL TEAMS

**THIS FORM MUST BE RETURNED TO THE CHIEF EXECUTIVE**

*(Please print or type)*

I,

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*(insert full name)*

of

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*(nominate an email address for service of notices)*

apply for selection to the Bowls New Zealand High Performance or Talent Development Squad and any National Team(s).

At the time of signing this form:

- (a) I acknowledge I have been provided with a copy of Bowls New Zealand's Selection Regulation, which I have read. I agree to comply with it. I acknowledge this Selection Regulation may be amended from time to time and I understand that Bowls New Zealand will inform me of any such amendment;
- (b) I acknowledge that I have been provided with a copy of Bowls New Zealand's Anti-Doping Regulation (including the Sports Anti-Doping Rules issued by Drug Free Sport NZ and the World Bowls Anti-Doping Regulations) which I have read and understood, and I agree I am bound by it. I acknowledge this Regulation may be amended from time to time and I understand that Bowls New Zealand will inform me of any such amendment;
- (c) I declare that I am a current and financial member of a Bowling Club being  

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*(specify name of club).*
- (d) I am a New Zealand Citizen or otherwise meet the international requirements set out in clause 5.1(b) of the Selection Regulations.
- (e) I declare that I have not used or administered any substance which, if it had been detected as being present in my body tissue or fluids, would have constituted doping under the applicable rules and policies of the Bowls New Zealand's Anti-Doping Regulation (including the Sports Anti-Doping Rules issued by Drug Free Sport NZ and the World Bowls Anti-Doping Regulations. Further I have not used any method prohibited or committed any other doping offence, under the Bowls New Zealand, World Bowls or any other applicable authorities doping rules or policies.
- (f) I declare that I have / have not *(strike out as appropriate)* been convicted of a criminal offence punishable by a term of imprisonment. The offence concerned was as follows:  
*(complete nature and date of offence(s) where applicable):*

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- (g) I further declare that no charge in respect of any criminal offence punishable by a term of imprisonment is pending against me.
- (h) I acknowledge that my only right of appeal in respect of my selection or non-selection to the High Performance Squad or Talent Development and National Team is as set out in clause 10 of the Selection Regulation.
- (i) I agree to comply with the Bowls New Zealand Constitution, together with all Regulations, policies and reasonable directions of the Board of Bowls New Zealand.
- (j) I understand that I will be required to sign the Bowls New Zealand Athlete Agreement (which includes the requirement for me to adhere to the Code of Conduct) if I am selected to the High Performance Squad or Talent Development or the National Team.
- (k) I agree to the collection of personal information about me, including size of clothing, biographical details, photos and associated imagery, the results of any health/medical examinations undertaken to assess my fitness, and the usage and storage of such information, for the purposes of consideration of selection (if any) by Bowls New Zealand for the High Performance Squad or Talent Development and National Team.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

*Note: If the player is under the age of 18 years as at the date of signing this form, it must be signed by the parents/guardians of the player as set out below.*

I/We are the parents/guardians of the player, and we acknowledge and agree to the acknowledgements and conditions specified in this form.

SIGNED: .....  
(Parent/Guardian)

DATED: .....

NAME: .....  
(Print name)

SIGNED: .....  
(Parent/Guardian)

DATED: .....

NAME: .....  
(Print name)

## FORM 6 - APPEAL FORM – IN ACCORDANCE WITH LAW 43.2.6 (DECISION OF A TECHNICAL OFFICIAL)

### Parties

Name of Appellant	TITLE	FIRST NAME	SURNAME
Name of Respondent (Technical Official)	TITLE	FIRST NAME	SURNAME

### Appeal

As the Appellant I/we wish to appeal the decision of the Respondent.

Dated	DAY	MONTH	YEAR
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The facts supporting those grounds of appeal are as follows:

Please set out your version of events leading up to the decision of the Respondent and surrounding the decision itself. You must also attach to this application, copies of any statement of evidence from any witnesses and any exhibits which you intend to rely upon in this appeal. Continue on separate pages if necessary.


### Grounds of Appeal

Please make submissions on why and how you consider the decision of the Respondent was wrong or incorrect in the meaning or interpretation of a law in the Laws of the Sport of Bowls.


## Outcome

Please specify the outcome or relief you are seeking from the appeal.


## Signature of Appellant

An Appellant's representative may sign on behalf of the Appellant and, in so doing, undertakes s/he has the authority to do so.

Signed

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Position

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Date

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### Filing and Service Instructions

1. This Appeal Form should be signed and filed with the Tournament Director within 30 minutes of the conclusion of the game in which the decision is being appealed.
2. The Appeal Form should be accompanied by copies of all documents upon which the Appellant relies, and which have not already been filed and served, including (where relevant) the briefs of evidence and other material considered at the hearing where the decision appealed from was made.



## Parties

In response to the Appeal, the Respondent says that his/her response to the ground(s) of Appeal stated in the Appeal Form are set out below.

### **Signature of Respondent**

A Respondent's representative may sign on behalf of the Respondent and, in so doing, undertakes s/he has the authority to do so.

Signed

Name (print)

Position

Date

### **Filing and Service Instructions**

This Technical Official's Report should be signed and filed with the Tournament Director within 24 hours of the Respondent receiving the Appeal Form.

The Technical Official's Report should be accompanied by copies of all documents upon which the Respondent relies.