

**RULES OF THE JUDICIAL COMMITTEE OF**  
**SKI RACING NEW ZEALAND INC. (SRNZ)**

The following rules are intended to supplement the provisions in the Constitution concerning proceedings of the Judicial Committee. To the extent any of the following procedures appear inconsistent with the rules of the Constitution the Constitution takes precedence.

**1. JUDICIAL COMMITTEE**

- (a) The Board shall appoint a Judicial Committee of the three members, one of whom shall be designated as chairperson in accordance with rule 12.5 of the Constitution.
- (b) Under rule 12.6 of the Constitution should one of the members be unable to attend a hearing the Board will appoint a replacement for that hearing. but in the case of an emergency any two members of the Judicial Committee may constitute a quorum.
- (c) Any member of the Judicial Committee who has an interest in any matter before the committee must declare that interest, and be precluded from any participation in the hearing. The Board will appoint a replacement.
- (d) The procedures for the hearing a formal appeal or a complaint will be as determined by the Judicial Committee from time to time.

**2. JURISDICTION**

The Judicial Committee shall have jurisdiction:

- (a) to hear matters of misconduct referred by the Board to the Judicial Committee under rule 12.3 of the Constitution.
- (b) to hear a formal appeal from the decision of any Member Organisation as allowed in rule 12.4 of the Constitution.
- (c) to hear any formal appeal on a decision of the Panel of Selectors relating to selection or non selection as allowed under rule 11.6 of the Constitution.
- (d) to hear by agreement of the parties:
  - i. disputes between Member Organisations;
  - ii. unresolved questions of interpretation;
  - iii. unresolved issues of concern to a member, coach, SRNZ staff, race organising committee, jury, referee or other race official.

**3. ROLE AND FUNCTIONS OF THE JUDICIAL COMMITTEE**

- (a) The role of the Judicial Committee is to determine disputes within its jurisdiction by establishing the facts and making a determination according to the substantial merits of the dispute.
- (b) The functions of the Judicial Committee are to inquire into and determine proceedings brought before it under these rules and to exercise and perform such other functions, powers and duties as are conferred upon it by the Constitution or the Board of SRNZ.

**4. POWERS OF INQUIRY**

The Judicial Committee shall have the power to inquire into the subject matter of any proceeding and for those purposes it is authorised to:

- (i) Require the production of any documents, records or things that it may require for examination.
- (ii) Hear evidence either on its own motion or by application by any party whether or not such evidence is new to the dispute.
- (iii) Appoint such independent experts that may be required to assist and advise.

**5. PROCEDURE**

**5.1 Procedure Generally:**

- (a) Subject to these rules the Judicial Committee may regulate its own procedure in such manner as it thinks fit and prescribe or approve forms for the purposes of any proceedings.
- (b) The hearing shall be held as soon as practicable after any pre-hearing conference that the Judicial Committee may require or if there is no pre-hearing conference as soon as possible after the parties have filed the appropriate documents as set out in these rules.
- (c) The hearing shall be held in such manner as the Judicial Committee determines including a hearing by way of telephone conference, video conference or in person or a combination of such means.
- (d) A hearing in person shall be held at a venue determined by the Judicial Committee which is considered most convenient for the parties and members of the Judicial Committee.
- (e) The procedure for the hearing shall be determined by the Judicial Committee as it considers appropriate according to the principles of natural justice.

**5.2 Procedure for Misconduct Proceedings:**

- (a) Complaints of Misconduct will be commenced by the Board by serving on the Defendant a Notice of Complaint (Form 1) together with a copy

of these rules and a Notice of Defence (Form 2) for completion and return to SRNZ within 5 working days.

- (b) The Defendant will within 5 working days of the date of the Notice of Complaint complete and return to SRNZ the Notice of Defence (Form 2) stating whether:
  - (i) they wish to defend the charge(s) of misconduct and if so shall outline the evidence they propose to provide in support of their defence, or
  - (ii) they admit the charge(s) of misconduct and waive their right to appear at the hearing, or
  - (iii) they admit the charge(s) of misconduct but still wish to participate at the hearing as to penalty.
- (c) If the Defendant fails to file his/her Notice of Defence with SRNZ as required the Judicial Committee may nevertheless proceed with the hearing and determination.
- (d) Where the Defendant fails to file a Notice of Defence within 5 working days of the Notice of Complaint or responds that they wish to be heard on the matters SRNZ will then advise the Defendant as soon as possible of:
  - (i) the date, time and place of any pre-hearing conference or the hearing for determining the complaint.
  - (ii) Composition of the Judicial Committee.
  - (iii) The members right to representation.
  - (iv) The member's right of appeal.
- (e) If the Judicial Committee determines Misconduct has been committed it may impose such penalty or penalties it considers appropriate including:
  - (i) A warning or reprimand.
  - (ii) Suspension for a specified period or indefinite period from either competing or taking part in any other capacity in any event or competition sanctioned by SRNZ.
  - (iii) A monetary fine.
  - (iv) Payment of any costs or expenses incurred by witnesses or other in relation to a hearing.
  - (v) Suspension or expulsion from membership of SRNZ.
  - (vi) Any other penalty deemed appropriate.

### **5.3 Procedure for Appeals under Rules 11.6 or 12.4 of the Constitution:**

- (a) Appeals may be brought by an Appellant filing with the office of SRNZ an Application for Appeal (Form 3) together with an appeal fee of \$100. In the case of an appeal against a decision of a Member Organisation under Rule 12.4 the Appellant shall also serve a copy of the Application for Appeal on the Respondent Member Organisation.

- (b) The Respondent to the Appeal shall within 10 working days of receiving the Application for Appeal file with the office of SRNZ a Statement of Defence to Appeal (Form 4) and serve a copy on the Appellant.
- (c) SRNZ will then advise the parties to the appeal as soon as possible of:
  - (i) the date, time and place of any pre-hearing conference or the hearing for determining the appeal.
  - (ii) Composition of the Judicial Committee.
  - (iii) The members right to representation.
  - (iv) The member's right of appeal.
- (d) An appeal shall normally be determined by the Judicial Committee following a hearing however if the Judicial Committee and the parties agree the Appeal may be determined by the Judicial Committee by reference only to the documents filed without hearing from the parties or others in person.
- (e) In the case of appeals from Member Organisations the Judicial Committee shall make such order as it thinks appropriate to give effect to its decision including imposing:
  - (i) A warning or reprimand.
  - (ii) Suspension for a specified period or indefinite period from either competing or taking part in any other capacity in any event or competition sanctioned by SRNZ.
  - (iii) A monetary fine.
  - (iv) Payment of any costs or expenses incurred by witnesses or other in relation to a hearing.
  - (v) Suspension or expulsion from membership of SRNZ and/or the Member Organisation.
  - (vi) Any other penalty deemed appropriate.
  - (vii) Such other direction or order as the Judicial Committee considers appropriate to resolve or rectify the matters in issue.
- (f) In the case of appeals relating to selection or non selection the Judicial Committee shall have power to:
  - (i) Dismiss the appeal and confirm the decision being appealed or
  - (ii) Allow the appeal and refer the matter back to the Panel of Selectors for a new decision or
  - (iii) Allow the Appeal and vary the decision as it considers appropriate in the circumstances.

#### **5.4 Procedure for Resolution of Matters by Agreement:**

- (a) Disputes or questions of interpretation or issues of concern may be referred to the Judicial Committee by filing with the office of SRNZ an Application for Assistance (Form 5) signed by all the parties indicating their agreement.

- (b) Each party shall then within 10 working days of the filing of the Application for Assistance file with the office of SRNZ a Statement of Position (Form 6) together with a fee of \$50 for each party and serve a copy of the Statement of Position on the other parties.
- (c) SRNZ will then advise the parties to the reference as soon as possible of:
  - (i) the date, time and place of the hearing for determining the dispute or issues of interest.
  - (ii) Composition of the Judicial Committee.
  - (iii) The members right to representation.
  - (iv) The member's possible right of appeal.
- (d) Application for Assistance Proceedings shall normally be determined by the Judicial Committee following a hearing however if the Judicial Committee and the parties agree the matter may be determined by the Judicial Committee by reference only to the documents filed without hearing from the parties or others in person.
- (e) The Judicial Committee may impose such penalty and/or grant such relief to a party or parties in the Application for Assistance Proceedings as it thinks fit taking into account the issues which the parties have referred to the Judicial Committee for determination.

## **6. MINORS**

A person who has not attained the age of 18 years may be a party to and shall be bound by proceedings in the Judicial Committee as if they were a person of full age and capacity.

## **7. INTERESTED PARTIES**

- (a) Any person or organisation not being an original party to any proceeding who may be affected by or who has a sufficiently close interest in the outcome of any Proceeding may be joined as an Interested Party by order of the Judicial Committee, either by invitation of the Judicial Committee or at the request of the Interested Party.
- (b) Every Interested Party shall be bound by these Rules and any directions and decisions of the Judicial Committee and shall have the same rights and obligations as other parties to the Proceeding. In particular they shall be required to file with SRNZ and serve on the other parties such evidence or submissions in response to documents filed by other parties.

**8. REPRESENTATION**

Any person appearing before the Judicial Committee shall have the right to be represented.

**9. ADJOURNMENT**

The Judicial Committee shall have power to adjourn a hearing. The Judicial Committee shall have power to make interim orders or suspension pending a hearing where it considers it appropriate to do so.

**10. EVIDENCE**

The Judicial Committee may receive as evidence any statement, document, information or matter that may in its opinion assist to deal effectively with the matters before it whether or not it would be admissible in a court of law.

**11. STANDARD OF PROOF**

The standard of proof which must be established is on the balance of probabilities.

**12. DECISION**

It is not necessary for a decision of the Judicial Committee to be in writing or that the reasons for the decision be given. However for clarity and certainty it is preferable to record the decision in writing. The reasons may also be appropriate depending on the circumstances of the case.

**13. COSTS**

- (a) The Judicial Committee may as it thinks just order any party to a Proceeding to pay or contribute towards the costs and expenses of any other party and/or the Judicial Committee. In exercising its discretion the Judicial Committee shall usually make an order that requires each party to bear their own costs or a small contribution towards costs but in exceptional circumstances may make orders for more substantial amounts taking into account the outcome of the proceeding, the merits of the proceeding, the conduct of the parties in the proceeding and such other factors as the Judicial Committee considers just.
- (b) Subject to any direction of the Judicial Committee extending the time for payment, any costs awarded shall be paid by the party concerned within 10 working days of the Judicial Committee's decision as to costs. The failure by any party to pay such costs will entitle the party in whose favour the costs have been made or the Judicial Committee to enforce payment of the costs as a contractual debt.

**14. NATURAL JUSTICE**

The Judicial Committee is required to follow the principles of natural justice namely:

- (a) The right to have proper and adequate notice of the complaint.
- (b) The right of all parties to be given the opportunity to state their case.
- (c) The right to an unbiased tribunal which acts in good faith.

**15. APPEALS FROM THE JUDICIAL COMMITTEE**

Appeals from a decision of the Judicial Committee may be made to the New Zealand Sports Disputes Tribunal established by Sports and Recreation New Zealand, in accordance with the rules of the Tribunal. Save that in the event of any appeal concerning FIS rules and regulations appeals will be made in accordance with the FIS requirements and procedures.

.....  
SKI RACING NEW ZEALAND INC.