



PROCEDURE FOR JURY HEARINGS

The purpose of this document is to provide general points that will assist the process of the "Jury" dealing with matters placed before it. It is not intended that the "Jury's" Independence in the overall conducting of its enquiries be in any way compromised. Under Australian Law the general principle of "Natural Justice" must be adhered to during all proceedings. If this occurs then the likelihood of a successful challenge to the hearings and decisions of the Jury in any Court system is highly unlikely. The Courts understand quite clearly that the "Rules of the Game" and processes of the game/sport are what should control the overall conduct of the game.

"Natural Justice" – "The Rules and procedures to be followed by a person or body with the power to settle disputes.....Some rules of natural justice are to act fairly, without bias, and the right of parties to be heard".....(ref.The Law Handbook 2002 Edition page 808)

---- "The duty to comply with procedural fairness" (ref the Law Handbook 2002 Edition page 413).

Points for Consideration by the "Jury" during its deliberations: -

- Always make a separate written record of each matter brought to its attention
- Always include appropriate information so as to identify who is present and in what capacity during any hearing
- Remember that Petanque Australia Rules of the Game and Local Rules as adopted by PA in "January 2007 (always have copy available for reference)

- Remember the Petanque Australia By Laws (always have copy available for reference)
- Provide a degree of formality without being “over the top”
- Clearly identify yourselves at the commencement of proceedings as well as identifying all others present
- Exclude people who are not part of the matter before you (even if they are “important people in the Petanque World”)
- Give as much notice as is reasonably possible for people to attend your hearing
- Ensure that proper contact is made with the right people you want to be present at your hearing
- Always identify the “problem” as clearly as is possible (preferably in writing if time allows) always make notes to ensure the Chairperson covers all required points
- Where paperwork i.e. scoresheet is involved, ensure all parties can identify and where necessary inspect the documents during the hearing – where possible photocopies for all relevant parties is ideal.
- Your process and your decision making must be without bias
- Bias may be created by being related---if related to any of the parties/witnesses then you should disqualify yourself.
- If you have previously expressed strong views about a person or the incident in question you have probably disqualified yourself because of bias.
- Each matter/even if involving some of the same parties eg Umpire and one player but different opponents must be dealt with separately.
- The proceedings should be conducted in a professional manner, courtesy to all parties at all times – reasonable opportunity to ask questions but parties are to be reminded that questions must be relevant and short (not statements).
- The Chairperson must direct that time should not be wasted (the process is to get to the facts quickly and give a fair hearing and then to make a decision).
- When all parties wishing to be heard have had a fair and reasonable chance to be heard all parties other than the “Jury” must leave the hearing room at the request of the Chairperson.
- The “Jury” deliberations must be based on the facts presented at the hearing not something heard before hand.

- Do not deliberate forever. You are charged with the responsibility and authority to make a decision - so make one! (If need be on a split vote).
- Call all parties back into the hearing room announce your decision and take all necessary steps to ensure your decision is carried out – where necessary give those instructions in writing.
- You may wish to give reasons for your decision, however, in the great majority of cases, you will be best advised to just make your decision and leave it at that.
- **DO NOT ENTER INTO DEBATE WITH THE PARTIES!**
- Ask all parties to leave the hearing room after announcing the decision to allow for the “emotion” to “move on” a little. Also to collect your paper and ensure your Jury records are carefully stored (in case of further considerations).
- Storage of papers etc probably should go into sealed envelope clearly marked with notation as to Date, Contents, etc.
- You have to balance between formality and practicality – be fair and reasonable at all times and remember you are there for the game of Petanque.

PETANQUE AUSTRALIA LTD

HEARING NOTES

DATE.....

JURY MEMBERS

(Chairperson)

- 1
- 2
- 3
- 4
- 5

VENUE _____

CLUB IN CONTROL _____

CONTACT AT CLUB _____

TOURNAMENT DIRECTOR _____

GENERAL NATURE OF WHY JURY IS CONVENED

(Brief description only)

PAPERWORK TABLED

LIST OF PERSONS ATTENDING THE HEARING

(separate sheet)

FULL NAME

LICENCE NUMBER

WHY ATTENDING
