

ASHFIELD BOWLING CLUB LTD

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Mr. Greg Helm
Chief Executive Officer
Bowls New South Wales
Level 5 309-313 Pitt Street
SYDNEY

Dear Greg,

Re: Penalties Ashfield Bowling Club Grade 1 Round 1 Pennants and Grade 1 Round 4

Our Club wishes to formally appeal the above penalties that were issued to the Club by a committee Bowls NSW, being the State Match Committee. The penalty for Round 1 was received by e-mail on Thursday 3rd May advising that the Club had breached Bowls New South Wales Conditions of Play 4.16.1.4.1 stating that Matthew Wilson was not listed as an Intended Player for our Club prior to 24th January 2018 and as such ineligible to play. The penalty for the Round 4 match was issued by e-mail on Monday 21st May at 3.29pm

We wish to appeal this penalty on the following grounds:

1. Matthew Wilson was on the list of Players submitted to the Zone 13 Match Committee.
2. We forwarded an Interstate Clearance for Matthew Wilson after the 24th January and this was processed by your office unchallenged and the Club was advised Matthew Wilson was eligible to play. At no time apart from the notice of penalty did we receive anything to the contrary.

We also wish to challenge the consistency of Conditions of Play 4.16.1.4 in association of Bowls

Australia Domestic Regulations. As well in line with Mission & Vision Statements and Strategic Plans published by Bowls NSW. This is following further correspondence when the Club wished to Register four more players for Pennants and the said players we were then advised could not play Pennants.

To ensure that Ashfield was the only Club to play a player that was not advised by the 24th January we would wish that you to confirm in writing to us that there was no other player constituted in the first round of Pennants or subsequent round that was not advised on the due date being 24th January.

We were concerned when we received the alleged infringements that a "Show cause notice" was not first issued to the Club. It needs to be noted that Bowls NSW Strategic



Plan under Governance advises "To ensure our corporate governance structures, procedures and protocols match our needs and are in-line with societal expectation and law." The Club did not have a chance to explain its situation. This is natural justice before a penalty can be implemented.

We believe that there is a restriction of trade in not allowing players not domiciled in New South Wales to play Pennants. Bowls Australia Affiliation and Eligibility to Play Policy 6.1 allows a player to play pennants in more than one state within a calendar year or playing season, obviously it is intended to prevent states from litigation in court for Restriction of Trade. Amended Conditions of Play 4.16.1.4. is only applicable to Grade 1 in New South Wales and no other grade in NSW and most other Pennant Competitions in other state. (Bowls Australia Domestic Regulations advise the hierarchy should be adhered to as follows 1. Laws of the Sport of Bowls-Crystal Mark Third Edition; 2. Bowls Australia Domestic Regulations; 3. All of sport polices, 4: Conditions of Play from the event/competition.) The Bowls Australia Policy sits above the Conditions of Play.

Bowls NSW Vision Statement clearly states "to provide everyone an opportunity to experience bowls in New South Wales." Restricting who can play seems to refutes this.

Bowls NSW Conditions of Play rule 4.16 is being used inappropriately and is outside both BA Policy and also its intended use. The rule historically exists to have clubs nominate a grade they want to play and a list of players to play that grade. The rule is there (and it is explicit right throughout the section) to prevent a club getting a batch of higher grade players after a date and play them in that lower pre-designated grade. The rule involving eligibility is ALL about Grade. We are wanting to play Grade 1 players in a Grade 1 competition. A competition that BNSW describes as the most elite competition in Australia. Ashfield has NOT breached the intended use of this rule and if there is a different intended use then BNSW is in conflict with the BA Player policy for Bowls in Australia.

We are concerned that the composition of Conditions of Play and the issuing of penalties for alleged breaches, such as the two issued to Ashfield, are carried out by Bowls NSW State Match Committee, to which a number of members of the Committee play in the Grade One Pennant competition to which they administrate. We also perceive that the Committee can allow who is to play and who is not to play. We would understand that Committee would also have access to which Club players intend to play before other Clubs do. We cannot understand why there would not be a notion of some sort of conflict of interest. The Bowls NSW Member Protection Policy under Code of Conduct clearly lays down the requirements for Administrators. (Appendix 1)

The restriction of players also conflicts other official statements by Bowls NSW. Under Bowls NSW Values/Excellence Statement it advises "providing the best bowls competitions". Players who are legally allowed to Play in the Pennant Competition in NSW under the Bowls Australia Policy are being denied to play "in the best bowls competition."

Further statements regarding Values/Leadership state "to be the premier state and show the way." While others States allow players from all over Australia to play Pennants, "the premier state" restricts participations in playing Pennants in Grade 1.

Our Club strives to play in the spirit of the Game and to the Rules. We actively support and promote our sport at all levels from casual barefoot bowlers, special needs persons right through to "the best bowls competitions" for elite players. Part of our overall



Business Plan is to play Bowls at all levels by way of inclusion for all. As part of this we have purposely set about trying to put together the best possible team, within our limited budget and of course within the Rules, to succeed at the highest level with the current NSW Conditions of Play imposing restrictions on who can play our own Mission & Vision Statement (Appendix 2), to which Bowls NSW assisted us by guiding in the preparation of, we are having trouble meeting.

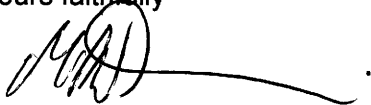
Our Club has already appealed to the State Match Committee regarding the issuing of the first penalty to which they rejected.

In accordance with the rules, based on the above we wish to formally appeal to the Board of Bowls NSW on the two penalties we have been issued with and the reinstatement of points as per the signed official Result Form.

We also wish the Board to review Conditions of Play 4.16.1.4 "Players with "Nominated" Club other the NSW in relation to the above matters raised.

We also request until this appeal and the review of Conditions of Play 4.16.1.4 is determined by the Board of Bowls NSW, that the said players be allowed to play and any points already won and earned before the determination be awarded as per Result Forms.

Yours faithfully

A handwritten signature in black ink, appearing to be 'M Wilson', with a long horizontal line extending to the right.

Michael Wilson
CEO
22nd May 2018

APPENDIX 1:

**Bowls NSW Member Protection Policy Page 38, Part D Codes of Conduct,
Administrators:**

Administrators

- Act honestly, in good faith and in the best interests of the sport as a whole.
- Ensure that any information acquired or advantage gained from the position is not used improperly.
- Conduct your responsibilities with due care, competence and diligence.
- Do not allow prejudice, conflict of interest or bias to affect your objectivity.

APPENDIX 2:

ASHFIELD BOWLING CLUB MISSION & VISION STATEMENT:

MISSION STATEMENT:

Our mission is to provide excellent bowling and club facilities for the benefit of all members, and our guests.

To operate in a friendly, positive and dedicated manner, creating an atmosphere of harmony and belonging.

VISION STATEMENT:

To establish Ashfield as the premier bowling club in our district for both men and women and instill a passion and pride in our Club that others are envious of and want to be a part of. To promote our club to a level that substantially increases membership yet maintains the personal service that our membership deserves.

A handwritten signature or set of initials, possibly 'AW', located in the bottom right corner of the page.