



Caboolture Basketball Inc. Tribunal Process 2018

Caboolture Basketball Inc. (also referred to as CBI) will adhere to the Basketball Australia (BA)/ Basketball Queensland (BQ) Disciplinary Tribunal By-Laws 2012 and the Basketball Australia (BA)/ Basketball Queensland (BQ) Appeals Tribunal Bi-Laws 2016 for disciplinary tribunals.

The CBI tribunal panel will be established before the commencement of each domestic competition.

The CBI tribunal panel will be composed of:

- One (1) representative from each branch (as defined by the CBI constitution)
- CBI appointed person/s suitable to carry out the tribunal functions

One tribunal member will be appointed as the Tribunal Chairperson by CBI and this person will be responsible for:

- Chairing hearings of the tribunal, ensuring any relevant conflicts are addressed and managed as necessary.
- Maintaining records of all tribunal proceedings
- Communicating the results of tribunal hearings to organising bodies

The process for tribunal matters will be as follows.

1. Any issue requiring the attention of the tribunal should be completed on the CBI tribunal report form and provided to the CBI administrator. Relevant statements from each party should be obtained immediately
2. The CBI administrator in consultation with the CBI Chairperson will review the CBI Official Report and make a recommendation if the incident needs to proceed to a tribunal hearing or “No further action required” and an Official warning can be issued to the charged member.
3. For transparency and procedural fairness for all CBI members The CBI administrator and CBI Chairperson will need to supply the board with documentation as to why an Official Warning was recommended instead of a tribunal being convened.
4. The CBI administrator will notify all parties involved in the report of the following:
 - a) Official warning but no tribunal; the charged member will be sent an official warning and notified that there will be no further investigation into the incident
 - b) Taken to tribunal; the charged member and reporting official will be notified that the incident will be investigated further by the tribunal “investigation letter”.



5. If the incident is to be investigated by tribunal, the chair will arrange the tribunal
 - a. The tribunal panel will be notified of the investigation and a time and date will be determined prior to the next date of the relevant competition where possible.
 - b. Any panel members representing the same club as the charged member will be asked to withdraw from the tribunal hearing.
 - c. Charged member and team contact will be sent a copy of the report, a list of charges and relevant penalties. The charged member will also be invited to attend the hearing.
 - d. A run sheet for the hearing will be prepared using the “tribunal hearings – chairman’s statement” document.
6. The tribunal will have copied of all documents including:
 - a. Run sheet
 - b. Official report
 - c. Scoresheet
 - d. Investigation letter sent to charged member if applicable.
 - e. Charged members statement
 - f. Witness statement
7. The hearing may be recorded with minutes taken by the a person nominated by the CBI Administrator in accordance to the BA/BQ Tribunal by-laws.
8. The tribunal will determine an appropriate outcome for the situation which has the best interest of all individuals in mind.
9. The charged member will be notified at the tribunal hearing of any penalties and be sent notice of the tribunal findings and resultant penalties.
10. Basketball Queensland and CBI Branches will be notified of any relevant suspensions.

All Relevant offences and penalties are available on the Basketball Queensland Tribunal By-Laws:

The CBI Tribunal Process 2018 document is an overview document for use by CBI and its members with the BA/BQ Tribunal By-Laws documents being referenced as the Ruling Tribunal Documents.



Tribunal Hearing Report

Caboolture Basketball Incorporated Tribunal.

Date: _____

Competition: _____

Game Date: _____

Reported person/team _____ Team: _____ No. _____

Player/spectator/coach/scorebench/team

Reporting Officials: _____ / _____

	Charges	Plea	Finding	Penalty
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
	<i>Non attendance at Hearing</i>			

Total _____



SUSPENSION

Banned from venues: Yes/No

Suspended for _____ weeks/games. May resume on or after: _____

Reported person served with notice and appeal rights advice? Yes/No

Details of Bond/fine: _____

Loss of Game Points

The team loses game points for winning games from the current season.

Chairman:_____ **Members:** _____

Notes:



Tribunal Chairperson's Checklist

- ☐ Introduce the Tribunal members
- ☐ Ask the reported person if there is any objection to any of the Tribunal members sitting
- ☐ If there is objection to a Tribunal member hear and rule on the argument
- ☐ Advise reported person and reporting official of their right to remain in the hearing at all times except when the Tribunal is making a decision
- ☐ Advise all persons of the method of recording the hearing
- ☐ Read the charges in the presences of all persons
- ☐ Ask the reported person if the charges are understood
- ☐ Ask the reporting person if the charges reflect their intention
- ☐ Take the reported person's plea
- ☐ If a team is reported, ask if there is a spokesperson
- ☐ Exclude all witnesses until they give their evidence
- ☐ Hear evidence of the reporting official
- ☐ Allow reported person to ask questions of the reporting official
- ☐ Hear evidence of reporting person's witness(es)
- ☐ Allow reported person to ask questions of reporting person's witness (es)
- ☐ Hear evidence of reported person
- ☐ Allow reporting official to question reported person
- ☐ Hear evidence of reported person's witness(es)
- ☐ Allow reporting official to question reported person's witness(es)
- ☐ Exclude all persons while deliberating on guilt
- ☐ Call all persons back and invite reported person to make submission on penalty if found guilty of any offence and ascertain if there have been prior offences.
- ☐ Invite all persons in for decision on penalty
- ☐ Complete and hand to reported person "Penalty and Appeals Advice" form

REPORT FORM

DETAILS OF REPORTED PERSON

NAME: _____

STATUS: PLAYER COACH
 (Please circle) SPECTATOR OTHER: _____

IF PLAYER - PLAYER NO: _____

TEAM _____ ASSOCIATION _____

ADDRESS _____

PHONE _____

MATCH DETAILS

DATE OF MATCH _____ TIME _____

GAME BETWEEN _____ AND _____

ASSOCIATION _____

COMPETITION _____

OFFENCE WITH WHICH PERSON IS CHARGED (TICK APPROPRIATE BOXES)

- ☐ Disputing the Decisions of a Referee
- ☐ Gross Breach of Code of Conduct
- ☐ Tripping
- ☐ Offensive Language
- ☐ Striking (fist, hand, object, head)
- ☐ Elbowing
- ☐ Attempting to Kick
- ☐ Spitting
- ☐ Putting a person in fear of impending violence
- ☐ Deliberately endangering the safety and/or health of the players, spectators or officials (incidents involving blood/body fluids)
- ☐ Unsportsmanlike Behaviour
- ☐ Attempting to Trip
- ☐ Obscene Gestures
- ☐ Attempting to Strike
- ☐ Attempting to Elbow
- ☐ Fighting (involving more than 2 people)
- ☐ Kicking
- ☐ Moving under and airborne player (tunnelling)
- ☐ Coaching, refereeing, playing, scorebench duties while under suspension
- ☐ Conduct which brings the game of Basketball into Disrepute

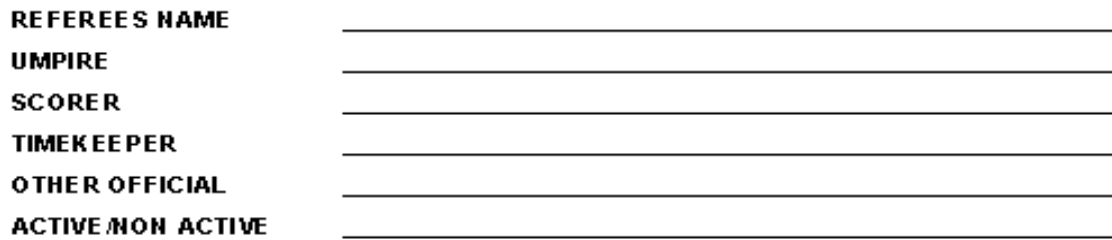
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[illegible]

SIGNATURE OF REPORTING OFFICIAL _____

DATED _____

NOTIFICATION BY TRIBUNAL SECRETARY/ASSOCIATION OFFICIAL

PERSON NOTIFIED _____

DATE OF NOTIFICATION

TIME OF NOTIFICATION



BA APPEALS TRIBUNAL BY-LAW

Date adopted by BA Board	3 July 2009
Date reviewed by BA Board	12 December 2016
Date Policy Effective	12 December 2016



1. In this By-law, terms shall have the same meaning as in the BA constitution. In addition, these words have the following meanings.

"Appeals Officer" means the person appointed by BA to operate the Tribunal from time to time.

"Appeals Panel" means panel of persons from whom the Tribunal shall be selected from time to time. The panel may comprise persons from any State or Territory. The panel shall be appointed by BA. Except for this appointment, it shall be otherwise independent from BA.

"BA" means BA Limited (ACN 072 484 998)

"Tribunal" means the BA appeals tribunal established under this By-Law.
2. A Constituent Association Member that has received a penalty or an adverse finding from BA may, within 14 days from date of the final determination, appeal to the Tribunal. Appeals under this clause will be determined in accordance with this By-law.
3. An appeal must be lodged in writing with the Appeals Officer setting out the:
 - (a) ground(s) on which the appeal is made; and
 - (b) reasons or circumstances supporting the alleged ground(s) of appeal; and
 - (c) must be accompanied by a non refundable appeal fee of \$250.
4. Nothing in this Policy prevents the withdrawal of an appeal at any time in writing to the Appeals Officer.
5. On receipt of an appeal in accordance with this Policy, the Appeals Officer must immediately convene a Tribunal and forward the appeal documents to the nominated chairperson of the convened Tribunal.
6. A Tribunal shall be constituted by up to three persons (but a minimum of two) available to hear the appeal from the Appeals Panel, which must include the following:
 - (a) up to two persons with a thorough knowledge of basketball; and
 - (b) a barrister or solicitor who will chair the Appeals Panel.

No member of the Tribunal may be a party to or directly interested in the matter under consideration.
7. The Tribunal has complete jurisdiction to re-hear the matter in its entirety.
8. The chairperson of an appointed Tribunal shall, as soon as practical after receiving the appeal documents under **clause 5**, investigate and consider the matter and shall within seven days of receiving such notice, determine whether the:
 - (a) appeal should be dismissed, because in its determination, the matter is trifling in nature or has no merit; or
 - (b) appeal warrants further review and determination in accordance with these By-laws.
9. If the Appeals Tribunal determines the matter warrants further review under **clause 5(b)**, it shall as soon as practicable, having regard to the timing, serve a notice in writing on all relevant parties:
 - (a) stating that the parties may address the Tribunal at a hearing to be held as soon as practicable, being not earlier than four days from the date of the notice;



- (b) stating the date, place and time of that hearing; and
 - (c) informing the parties that they may do any one or more of the following:
 - (i) attend that meeting (by their representative who, subject to **clause 11**, may not be legally trained or qualified) and bring such witnesses as they wish to rely upon in respect of the matter the subject of appeal; and/or
 - (ii) give the Tribunal, no later than 24 hours before the time of that meeting, a further written statement setting out relevant information surrounding the appeal.
10. The Tribunal may conduct a hearing convened in accordance with **clause 9** (or any adjournment) in such manner as it sees fit, but shall:
- (a) give to all relevant parties and their witnesses every opportunity to be heard;
 - (b) give due consideration to any written statements received from any relevant party;
 - (c) allow relevant parties to be present by their representative; and may request or require such parties or other witness to attend the hearing or provide such evidence as is available to enable the Tribunal to properly consider the matter.
11. Persons appearing before the Tribunal are not entitled as of right to legal representation before the Tribunal.
- (a) Subject to **clause 11(b)**, the Tribunal may grant a right to legal representation to a party where that party has made written application to the Tribunal for such representation. Such application must be received by the chairperson of the Tribunal within seven days from the date of the notice served under **clause 9**.
 - (b) Legal representation will only be permitted by the Tribunal where the party seeking legal representation can demonstrate to the Tribunal that the matter is serious, complex or the consequences for that party proceeding without legal representation are significant from a livelihood or business perspective. The onus is on the party seeking legal representation to prove that such representation should be permitted.
 - (c) The Tribunal may refuse or grant such application in its absolute discretion. The Tribunal's decision in respect to legal representation is final and there is no appeal from such decision.
12. Following consideration of all information which the Tribunal considers relevant and which is available, the Tribunal shall arrive at a finding. The Tribunal can impose new penalties or vary an existing penalty. A decision of the Tribunal may be by a majority decision. The decision of the Tribunal is final.
13. The Tribunal shall notify all relevant parties, including BA, of its decision as soon as practicable.
14. The Tribunal has no power to award costs. That is, each party will be responsible for their own costs of the appeal.
15. The parties must exercise the right of appeal under this By-law prior to commencing any proceedings or becoming a party to any proceedings in a court of law.



Basketball Queensland Penalty listing current 1st October 2012 (Checked August 2018)

Part 4 Offences and Penalties

- 16.1 Clause 16.3 sets out the standard offences and maximum penalties to be applied where a charge has been established by a Tribunal.
- 16.2 For the purposes of this By-Law, penalties for many offences which are established by a Tribunal shall be divided into two separate categories:
- penalties for offences involving persons other than officials ("Group A offence"); and
 - penalties for offences involving an official ("Group B offence")
- 16.3 Offences and penalties
- Disputing the decision(s) of a referee
Maximum penalty: 6 weeks suspension
 - Unsportsmanlike behaviour
Maximum penalty: 6 weeks suspension
 - Breach of Code of Conduct
Maximum penalty: 6 weeks suspension
 - Attempting to trip

A – Maximum penalty:	10 weeks suspension
B – Maximum penalty:	20 weeks suspension
 - Tripping

A – Maximum penalty:	10 weeks suspension
B – Maximum penalty:	52 weeks suspension
 - Obscene gestures

A – Maximum penalty:	10 weeks suspension
B – Maximum penalty:	20 weeks suspension
 - Offensive language (which may include abusive, obscene or insulting language)

A – Maximum penalty:	10 weeks suspension
B – Maximum penalty:	20 weeks suspension
 - Attempting to strike

A – Maximum penalty:	10 weeks suspension
B – Maximum penalty:	52 weeks suspension
 - Striking (fist, hand, object, head)

A – Maximum penalty:	52 weeks suspension
B – Maximum penalty:	life-time suspension
 - Attempting to elbow

A – Maximum penalty:	10 weeks suspension
B – Maximum penalty:	52 weeks suspension
 - Elbowing

A – Maximum penalty:	20 weeks suspension
B – Maximum penalty:	life-time suspension



- l. Fighting
 - A - More than 2 players: Maximum penalty 20 weeks suspension
- m. Attempting to kick
 - A – Maximum penalty: 10 weeks suspension
 - B – Maximum penalty: 52 weeks suspension
- n. Kicking
 - A – Maximum penalty: 20 weeks suspension
 - B – Maximum penalty: life-time suspension
- o. Spitting
 - A – Maximum penalty: 20 weeks suspension
 - B – Maximum penalty: 52 weeks suspension
- p. Moving under an airborne player (tunneling)
 - A - Maximum penalty: 104 weeks suspension
- q. Putting a person in fear of impending violence
 - A – Maximum penalty: 52 weeks suspension
 - B – Maximum penalty: 104 weeks suspension
- r. Coaching, refereeing, playing, scorebench duties while under suspension
 - A - Minimum penalty: 2 weeks per game plus the suspension period
 - B - Maximum penalty: 5 weeks per game plus the suspension period
- s. Deliberately endangering the safety, health, of the players, spectators, officials (incidents involving blood/body fluids)
 - A: Maximum penalty: life-time suspension
- t. Conduct which brings the game of Basketball into disrepute
 - Maximum penalty: 19 weeks suspension
- u. Failure to attend Tribunal without proper cause when notified
 - Maximum penalty: 20 weeks games suspension
- v. Failure to co-operate in, or hindering an investigation or hearing under these by laws.
 - Maximum penalty: 20 weeks suspension
- w. Intimidating or bullying a person or attempting to do so
 - Maximum penalty: 52 weeks suspension
- x. Public criticism of officials, coaches or players related to basketball activities
 - Maximum penalty: 20 weeks suspension