



BRISBANE SOFTBALL ASSOCIATION By-Laws



Table of Contents

1	GOVERNMENT.....	4
1.1	Associate Clubs	4
1.2	Portfolio and Sub-Committee Appointments	4
1.3	Selection Panels.	5
1.4	Grading and Fixtures Sub-Committee.....	5
2	FINANCE	5
2.1	Fees, Subscriptions, Levies and Fines	5
2.2	Fines and Penalties	6
2.3	Club Duties	6
3	COMPETITION and FIXTURES	6
3.1	Competition Format.....	6
3.2	Team Registrations	7
3.3	Acceptance of Team Registrations.....	8
3.4	Player/Officials Registrations	8
3.5	Positive Notice Blue Card	9
3.6	Permits, Transfers and Clearances.....	9
3.7	Grading of Teams	10
3.8	Grading of Players	10
3.9	Downgrading a player	11
3.10	Trophies	11
4	MEN'S COMPETITION.....	12
4.1	The Men's Sub-Committee	12
5	UNIFORMS.....	12
5.1	Approval	12

6	REPRESENTATIVE TEAMS	13
6.1	Selection Authority	13
6.2	Team Selection.....	13
6.3	Team Officials.....	13
6.4	Uniforms.....	13
6.5	Team Members	13
7	UMPIRING	13
7.1	Rostering	13
7.2	Judiciary	14
7.3	Ethical and Responsible Behaviour	14
8	DISCIPLINE	14
8.1	Adoption of By-law	14
8.2	Authority of Tribunal.....	14
8.3	Reports and Notifications	15
8.4	Method of Handling Any Breach of the Codes of Conduct Not in the Course of a Game	15
8.5	Tribunals.....	16
8.6	Membership of Tribunal	16
8.7	Responsibilities of Tribunal Chair.....	16
8.8	Records of Tribunal Proceedings	17
8.9	Attendance at Tribunal Hearings	17
8.10	Non-attendance at Tribunal hearings	17
8.11	Tribunal hearing conducted via teleconference	18
8.12	Procedures of the Tribunal	18
8.13	Offences and Penalties	20
8.14	Right of Appeal from the Tribunal	21
8.15	Grounds of Appeal	21
8.16	Notice of Appeal.....	21
8.17	Relationship with criminal matters.....	21
8.18	Natural Justice.....	22

8.19	Recognition of Penalties across Associations	22
8.20	Other Incidents	22
9	AMENDMENTS TO BY- LAWS	22
9.1	Amendment Authority	22

1 GOVERNMENT

These By-laws are in addition to and subject to the Brisbane Softball Association Inc. Constitution. Should the provisions of these documents be at variance, the Constitution shall be taken as correct.

1.1 Associate Clubs

- 1.1.1 Associate Clubs are those small clubs that, for whatever reason, choose not to be incorporated.
- 1.1.2 Associate Clubs can have up to three teams.
- 1.1.3 Associate Clubs that grow to more than three teams must become incorporated and apply to change their status to Affiliated Club.

1.2 Portfolio and Sub-Committee Appointments

- 1.2.1 The Board of Management (BOM) shall appoint members of the Board as Managers of the following Portfolios (note that the BOM may add more portfolios or combine Portfolios at its discretion):
 - a) Governance
 - b) Finance
 - c) Facilities
 - d) Marketing and Events
 - e) Competition and Fixtures
 - f) Sport Development
- 1.2.2 Portfolio Managers are responsible for managing functions and leading Sub-Committees allocated under their portfolio. Portfolio functions and Sub-Committee allocations are:
 - a) **Governance.** Constitution, By-Laws, risk management, policies, blue card.
 - b) **Finance.** Maintenance of Association's books of account, financial planning, insurances, banking and accounts payable.
Reporting Sub-Committees: Canteen and Bar.
 - c) **Competition and Fixtures.** Fixtures and competition management, including amendments to summer season draws and draws for major championship events hosted by the Association.
Reporting Sub-Committees: Grading and Fixtures, Men's Competition.
 - a) **Facilities.** Management and maintenance of building assets and grounds.
Reporting Sub-Committees: Grounds
 - b) **Marketing and Events.** Association promotion, special events, sponsorship programs.
Reporting Sub-Committees: Senior Awards Night; Junior Awards Night; Rep Awards Night
 - c) **Sport Development.** Development planning and programs for players, coaches and officials.
Reporting Sub-Committees: Representative, Regional Academy, Junior Development, Umpires, Scorers
- 1.2.3 Other Appointments: The BOM shall call for nominations and appoint the following positions (note that the BOM may add more positions or combine positions at its discretion):
 - a) Senior Registrar
 - b) Junior Registrar
 - c) Representative Coordinator
 - d) Scoring Coordinator
 - e) Umpire Coordinator
 - f) Blue Card Officer (for volunteers and staff appointed by the BSA)
- 1.2.4 The BOM shall employ persons to positions to facilitate the functioning of the Association, for example (note that the BOM may add more positions or combine positions at its discretion):
 - a) Ground staff (Summer and Winter)
 - b) Canteen Convenors (Summer and Winter)
 - c) Bar Convenors (Summer and Winter)

1.3 Selection Panels.

- 1.3.1 The BOM shall appoint Selection Panels following a recommendation from the Development Portfolio for the purpose of selecting Association Representative Teams.
- 1.3.2 Nominations for selection panels will be called for at a date to be set by the Development Portfolio and shall be electronic format or in writing using the format provided by the Association, signed by the Nominee and must be in the hands of the Representative Coordinator by the date advised.
- 1.3.3 Each Selection Panel shall comprise at least three (3) members as per the BSA Representative Teams Policy.
- 1.3.4 Selection Panels shall present to the BOM, through the Representative Coordinator, a list of players selected for noting prior to being released.
- 1.3.5 Player nominees for Brisbane Representative Teams shall not be eligible for election to a Selection Panel for the Representative Team for which they are a nominee.
- 1.3.6 The BOM shall appoint, replace or fill a vacancy on any Selection Panel convened under these By-laws.

1.4 Grading and Fixtures Sub-Committee

- 1.4.1 The Grading Sub-Committee reports to the Competition and Fixtures Portfolio Manager and shall comprise:
 - 1.4.1.1 A Chairperson
 - 1.4.1.2 Senior and Junior Registrar
 - 1.4.1.3 other persons as required
- 1.4.2 No more than two (2) persons from any one Club shall be allowed to serve on the Sub-Committee
- 1.4.3 The Sub-Committee shall be responsible for senior and junior fixture draws and responsible for grading all teams
- 1.4.4 The Sub-Committee shall review gradings after the completion of three weeks of fixtures
- 1.4.5 The Sub-Committee may regrade teams as deemed necessary.
- 1.4.6 The BOM shall approve all grading/regrading before Clubs are advised.
- 1.4.7 The Sub-Committee can delegate the Men's Fixtures and Gradings to the Men's Sub-Committee at its discretion.

2 **FINANCE**

2.1 Fees, Subscriptions, Levies and Fines

- 2.1.1 Affiliation Fees: The BOM will determine the annual affiliation fee to be paid each year by Affiliates. This fee must be paid prior to the Annual General Meeting otherwise the Affiliate can attend but may not vote.
- 2.1.2 The affiliation fee, set by the BOM, will be advised to Affiliates when they receive their notice of the Annual General Meeting. Refer to Constitution 5.3 and 5.4 for eligibility criteria.

- 2.1.3 Membership Fees. The BOM shall determine the fees payable by all Classes of Membership; players, officials and permit players who wish to participate in softball under the auspices of the Association.
- 2.1.4 Fees, subscriptions, levies and fines as set by the BOM shall be advised to members no later than one (1) month after the Association's AGM.
- 2.1.5 The fee structure shall include, but is not limited to, the following:
 - a) SAL Membership Fee and any levy or impost
 - b) SQI Membership Fee and any levy or impost
 - c) Insurance Premium
 - d) BSA Membership Fee
 - e) Participation Fee.
- 2.1.6 The BOM shall advise Members of the due date for payment of fees to the Association.
- 2.1.7 An Affiliate/Associate Club that does not pay their account by the due date as provided in Rule 2.1.4 shall be deemed non-financial. A fine may be imposed and interest charged on the total outstanding amount. Interest shall be calculated at an annualised rate of 10%.
- 2.1.8 The Treasurer will provide to each Club a list of all registered members and associated fees and charges.
- 2.1.9 The Treasurer may arrange agreements for payment of outstanding fees with Member Clubs. Such agreements are to be ratified by the BOM before implementation. Monies outstanding against agreements are to be settled three weeks prior to semi-finals.
- 2.1.10 No affiliate with outstanding fees and monies shall be permitted to field a team in the finals series.

2.2 Fines and Penalties

- 2.2.1 The BOM shall have authority to determine the Schedule of Fines and Penalties payable by all Classes of Membership, players and officials who participate in softball under the auspices of the Association. The Schedule of Fines and Penalties shall be advised prior to the commencement of the season and published in the Associations' Ground Rules.

2.3 Club Duties

- 2.3.1 Affiliates/Associates agree to supply at least two (2) persons to attend working bees, special events, umpiring and other tasks; as well as attending meetings as required under the Constitution or By-Laws. Fines may be imposed on Clubs failing to comply with this by-law.
- 2.3.2 Affiliates/Associates who fail to comply with 2.3.1 may be asked to show cause as to why their future application for membership to the Association should be accepted.

3 **COMPETITION and FIXTURES**

3.1 Competition Format

- 3.1.1 Fixtures will be conducted in the following grades (where possible):
 - 3.1.1.1 Seniors - A1, A2, A3, B1, B2, C1, C2,
 - 3.1.1.2 Juniors – U18, U16, U14, U12 Modified, SIS/TBall
- 3.1.2 Any other grades as may be required.

- 3.1.3 The BOM may opt to trial new competitions; game formats and/or modified forms of softball at its discretion. Clubs will be consulted through the Club Council process where changes to competition format are required.

3.2 Team Registrations

- 3.2.1 By the date set by the BOM, the Secretary of each Affiliate/Associate Club shall:
- 3.2.1.1 Submit grade nomination for each team the club is entering in competition;
 - 3.2.1.2 Arrange for all BSA registered players and officials to complete registration in the on-line database;
 - 3.2.1.3 Submit all Permits, Transfers and Clearances in the on-line database;
 - 3.2.1.4 Allocate individual players and officials to each team list in the on-line database when the grading structure is advised by Fixtures and Grading Committee
- 3.2.2 The Association may reject incomplete registrations, transfers, permits or clearances.
- 3.2.3 Fines may be imposed where incomplete registrations are submitted to the Association.
- 3.2.4 To register a team it must comprise of nine (9) players prior to commencement of fixtures
- 3.2.4.1 Exception – U12 Modified seven (7) players and SIS/TBall no minimum
 - 3.2.4.2 Any player not participating in fixtures within 3 weeks of registration will be deemed unregistered, removed from the team list, member record deactivated and transaction product deleted. Advice will be forwarded to club to advise of registration being deactivated.
 - 3.2.4.3 Clubs are to advise Fixtures & Grading when a deactivated player is commencing so their registration can be reinstated prior to participating in any game.
- 3.2.5 In all senior, U18, U16 and U14 grade teams failing to comply with 3.2.4 shall not be eligible to play in the fixtures or final series.
- 3.2.6 In junior and U18 competitions, age eligibility for registration shall be:
- a) Under 18 - Players under 18 as at the 31st December in the year the competition begins
 - b) Under 16 - Players under 16 as at the 31st December in the year the competition begins
 - c) Under 14 - Players under 14 as at the 31st December in the year the competition begins
 - d) Under 12 – Players under 12 as at the 31st December in the year the competition begins

3.2.7 Dual Registration

- 3.2.7.1 Dual registration is available for approved players to be registered and participate in two grades during the season.
- 3.2.7.2 A dual registered player must play the minimum number of games in their registered grade to meet edibility requirements.
- 3.2.7.3 Dual registration must be made within six (6) weeks of commencement of season.
- 3.2.7.4 There is no limit on the number of games a player can play in their dual registered grade.
- 3.2.7.5 Players that are dual registered will be required to pay their grade registration fee as well as the dual registration fee for the higher grade they are participating in.
- 3.2.7.6 Teams must have a minimum of 7 full time registered players before dual registered players can be approved. Dual registration will be considered in the following grades:
 - a) U12 to U14
 - b) U14 to U16
 - c) Any other U16 and/or A Grade combination that could benefit the sport and competition
- 3.2.7.7 All requests for dual registration approval must be submitted to Fixtures & Grading Committee, and must include:
 - d) Player name
 - e) Date of birth
 - f) Club
 - g) Registered team
 - h) Requested dual registered team
 - i) Reason for requesting dual registration
 - j) Player background to support request
 - k) Acknowledgement of parental agreement for underage players
- 3.2.7.8 In the case of U12, U14 and U16 players, their ability to play up or be picked up into other grades above their dual registered grade shall be dependent upon rules that govern their age grade

3.3 Acceptance of Team Registrations

- 3.3.1 The Secretary of the Association shall notify Affiliates/Associates of team registrations.

3.4 Player/Officials Registrations

- 3.4.1 BSA registered Players/Officials must register by completion of registration in the on-line database prior to participating in any fixture game as per 3.2. A player registered after the commencement of the season must complete registration in the on-line database prior to participating in their first fixture game
- 3.4.2 A registered player may make application to the BOM to be released from a Club during the season.
- 3.4.3 No unregistered player/official shall be permitted to participate in any fixture game.
- 3.4.4 The penalty for a player/official participating in a game shall be a forfeit to the non-offending team and \$100 fine for each infringement
- 3.4.5 A player shall not be permitted to register in a team two (2) or more grades lower than the grade in which they were registered in the previous season, without the approval of the Grading Sub-Committee.

- 3.4.6 The Grading Sub-Committee shall have the right to grade players into a grade based on past performance and representative experience.
- 3.4.7 Full-time players must have played five (5) scheduled fixture games with their registered Club team to be eligible to play in the finals series
 - 3.4.7.1 Part-time and Half Season players must have played three (3) scheduled fixture games with their registered Club team to be eligible to play in the final series
 - 3.4.7.2 In the event of final day of fixture games being cancelled and unable to be rescheduled or the opposition team forfeits the final fixture game, full-time players must have played a minimum four (4) games and part-time/half season players a minimum two (2) games prior to final day of fixtures to be eligible for special consideration to participate in final series. Clubs must submit request to BSA Secretary for consideration by Monday prior to commencement of final series

3.5 Positive Notice Blue Card

- 3.5.1 Any person involved in an official capacity with a club must hold a Positive Notice Blue Card issued by the Commission for Children and Young People and Child Guardian.
- 3.5.2 Any person involved in an official capacity with the BSA must hold a Positive Notice Blue Card issued by the Commission for Children and Young People and Child Guardian. Evidence of the Positive Notice in the form of a copy of the Positive Notice or a copy of the Blue Card must be provided to the BSA.

3.6 Permits, Transfers and Clearances

- 3.6.1 A Permit must be submitted in the on-line database and approved by BSA before any player/official registered with another Association is eligible to participate in BSA fixtures. Clubs may apply for an extension to comply where the cause of non-compliance arises due to administrative factors e.g.: delays in processing of on-line approvals by other administrative bodies. The maximum extension allowed will be three weeks during which time the player is responsible to ensure the permit is received by BSA.
 - 3.6.1.1 The penalty for a permit player/official participating in a game where no on-line permit has been requested shall be a forfeit to the non-offending team and \$100 fine for each infringement
- 3.6.2 Permits, transfers and clearances must be submitted in the on-line database and approved by the Association before registration of the player/official can be made to the team list.
- 3.6.3 A player/official registered in another Country or Territory must complete an ISF Clearance Application.
- 3.6.4 A player/official registered in another State or Territory must have an on-line Clearance in the database submitted by the club and approved by the required administrative bodies before registration of the player/official can be made to the team list
- 3.6.5 A player/official registered with another District Association must complete an on-line Clearance in the database submitted by the club and approved by the required administrative bodies before registration of the player/official can be made to the team list
- 3.6.6 Permits shall be valid from the first fixture game played to the grand final of the current season.
- 3.6.7 Where a permit, transfer or clearance has been submitted and subsequently not approved through the on-line database players will be deemed unregistered and 3.4.4 will apply.

- 3.6.8 Permit players/officials shall be governed by and agree to comply with the Constitution and By-Laws of the Association.
- 3.6.9 Any Permit player/official participating with a Club affiliated with BSA shall fulfil all financial and other obligations to that Club.
- 3.6.10 Failure of a Permit player/official to fulfil all obligations to a BSA affiliated Club shall be reported to the BOM. The BOM shall, in its absolute discretion, report the player/official to the Home Association and/or SQL. The BOM may, in its absolute discretion, deny the player/official future registration with an affiliated Club.
- 3.6.11 A permit may be granted to a BSA player/official to participate in the fixtures of another District Association.
- 3.6.12 Failure of a BSA Permit player/official to fulfil all obligations to a Club in another District Association may be refused registration with a BSA affiliated Club.
- 3.6.13 A player/official wishing to transfer from another District Association must have an on-line Clearance in the database submitted by the club and approved by the required administrative bodies before registration of the player/official can be made to the team list
- 3.6.14 A player/official registered with an affiliated Club must have an on-line Clearance in the database submitted by the club and approved by the required administrative bodies before registration of the player/official can be made to the team list.
- 3.6.15 A player/official whose request for transfer between Affiliate/Associate Clubs is refused shall have a right of appeal to the BOM.

3.7 Grading of Teams

- 3.7.1 Any team re-graded by the Grading Sub-Committee shall be entitled to retain the points from the previous grade.

3.8 Grading of Players

- 3.8.1 All Under 16, Under 14 and Under 12 players must be registered and play in their correct age group unless prior approval is granted by the Grading Sub-Committee.
- 3.8.1.1 For 2019/2020 season: Under 18 players will register to Senior grade suitable to their skill level.
- 3.8.2 Swing into Softball and Under 12 players are not permitted to fill-in in any senior grades. A player may fill in for a team one age group higher than their registered Club team.
- 3.8.3 When a Club cannot register a junior team, an application can be made to the Association in writing to register a player in a team from another club.
- 3.8.4 In Senior Grades, players may fill-in for a team one grade higher than their registered Club team as often as is necessary.
- 3.8.5 U16 players shall be permitted unlimited 'fill in' games in all divisions up to A2 grade.
- 3.8.5.1 Application for approval must be submitted prior to any U16 player being permitted to 'fill in' for A1 grade.
- 3.8.6 For all grades where a player who plays five (5) games with a team in a grade two or more above that of their original registered club team, the player shall not be permitted to return to the original registered club team unless approved by the BOM.

- 3.8.7 The registered grade of a fill-in player must be shown on the scorecard. Failure to comply may result in a fine.
- 3.8.8 When two (2) teams or more from one club are graded in the same grade, players are deemed to be registered in separate teams.
- 3.8.9 Players are not permitted to transfer between teams in the same grade unless approved by the BOM.
- 3.8.10 An application may be made to the Grading Sub-Committee for the re-grading of a player.
- 3.8.11 Senior National Team Members/International Team Members/ State Team Members, with the exception of players in the Under 18 or 23 years age group, must register in an A1 team if they have represented in these teams in the current or previous calendar year that the season commences in.
 - a) A Team Member is defined as participating in their representative team at competition events ie National/International level
 - b) A Squad Member is not defined as a Team Member
 - c) Player registration in the current season club team will not be affected should a player become a Team Member in the next calendar year during the current season

3.9 Downgrading a player

- 3.9.1 A Club wishing to permanently downgrade a player may apply to the Grading Committee stating all relevant details.
- 3.9.2 A player shall only be permitted to play in a lower team after the Grading Committee has approved the downgrading.
- 3.9.3 Should the Grading Committee refuse the application, the Club may appeal to the BOM.

3.10 Trophies

- 3.10.1 A trophy shall be presented to the Premiers in all competition grades.
- 3.10.2 Fifteen (15) premierships and fifteen (15) runners-up awards shall be provided for each grade involved in the grand final.
- 3.10.3 The Club Championship Trophy
 - 3.10.3.1 Clubs fielding 5 teams or more shall be eligible to win the Club Championship Trophy.
 - 3.10.3.2 The Trophy shall be awarded to the Club whose three highest graded teams score the most points in fixture games for the season.
 - 3.10.3.3 In the case of a tie, the Trophy shall be awarded to the Club with the best percentage of runs for, divided by runs against for its top three (3) teams.
- 3.10.4 The Barry Downing Memorial Trophy
 - 3.10.4.1 Clubs fielding an Under 16 and or Under 14 team shall be eligible to win The Barry Downing Memorial Trophy.
 - 3.10.4.2 The Trophy shall be awarded to the Club with the most points in junior fixture games for the season.

- 3.10.4.3 In the case of a tie, the Trophy shall be awarded to the club with the best percentage of runs for, divided by the runs against in the junior fixture games for the season.

3.10.5 The President's Cup

- 3.10.5.1 The top two placed A1 teams at the completion of the first full round of fixture matches will be eligible to compete in the President's Cup
- 3.10.5.2 In the case of a tie at the end of normal competition rules, the result (a tie) will stand. To get a result for the purposes of the President's Cup the tie break rule shall be applied.
- 3.10.5.3 In the event the game cannot be played, the Cup shall be awarded to the team with the most points as per 3.10.5.1. In the event of the teams being tied, the cup shall be awarded to the team with the best percentage of runs for, divided by runs against.

3.10.6 The Junior Team Trophy

- 3.10.6.1 The Junior Club Trophy shall be awarded to the team in U16 or U14 grade with the greatest number of points at the end of fixtures.
- 3.10.6.2 In the case of a tie the trophy shall be awarded to the team with the best percentage of runs for, divided by runs against.
- 3.10.6.3 Points shall be based on an equal number of games played.

4 MEN'S COMPETITION

4.1 The Men's Sub-Committee

- 4.1.1 The Men's Sub - Committee shall comprise a minimum of five (5) members.
- 4.1.2 Nominations for the Sub-Committee shall be to the outgoing secretary of the Sub-Committee on the prescribed form by the due date.
- 4.1.3 The BOM shall be responsible for appointing the Chair and other members of the Sub-Committee.
- 4.1.4 The Men's Sub-Committee shall appoint a Secretary and a Registrar.
- 4.1.5 The Men's Sub-Committee shall be responsible for the conduct of the fixtures in accordance with BSA Constitution and By-Laws and report to the BOM through the relevant Portfolio Manager.
- 4.1.6 Unless specifically dealt with in the Men's Ground Rules, all clauses in the BSA Ground Rules will apply.
- 4.1.7 The Men's Sub-Committee shall review the Men's Ground Rules annually and recommend changes to the BOM for approval.
- 4.1.8 Unless otherwise noted in these By-Laws, the Men's competition shall adhere to all policies, procedure and rules of the BSA.

5 UNIFORMS

5.1 Approval

- 5.1.1 Players shall wear the BSA approved playing uniform during fixture games.
- 5.1.2 Clubs shall be fined for each and every player not in approved playing uniform.

- 5.1.3 An Affiliate/Associate Club shall obtain the approval of the BOM for any change of colour or style of playing uniform.
- 5.1.4 Players/Officials shall wear the approved 'on-diamond' uniform.
- 5.1.5 Clubs shall be fined for each and every official not in approved 'on-diamond' uniform.
- 5.1.6 All players and officials shall wear appropriate closed footwear.
- 5.1.7 A Club jacket may be worn by all players and officials.
- 5.1.8 All players and officials shall be allowed three (3) weeks to comply with uniform regulations from commencement of a season.
- 5.1.9 A Club may apply to the BOM for an extension of time for compliance with in cases of delay in supply of uniforms.

6 REPRESENTATIVE TEAMS

6.1 Selection Authority

- 6.1.1 The BOM shall be responsible for nominating Representative Teams to compete in the Queensland State Championships.

6.2 Team Selection

- 6.2.1 The teams shall be selected by the Selection Panel as per 1.2 and according the BSA Representative Teams Selection Policy.

6.3 Team Officials

- 6.3.1 The Development Portfolio Manager shall call for nominations and recommend the appointment of Representative Team Officials to the BOM for approval.
- 6.3.2 A Coach, Assistant Coach, Manager and Statistician shall be appointed by the BOM to each representative team.
- 6.3.3 A specialist coach or trainee coach may be also be appointed.

6.4 Uniforms

- 6.4.1 The uniform of any Brisbane Representative Team shall be decided by the BOM.

6.5 Team Members

- 6.5.1 All players and officials are required participate as per the BSA Representative Team Policy.
- 6.5.2 All team members shall have paid all monies due to the Association prior to departure for the Queensland State Championship.

7 UMPIRING

7.1 Rostering

- 7.1.1 The umpiring roster for all grades shall be the responsibility of Brisbane Softball Umpires Association (BSUA).
- 7.1.2 Player/Club Umpires

- 7.1.2.1 Clubs shall make players/club officials available to do rostered games.
- 7.1.2.2 Failure of a Club to provide an umpire to a rostered senior game shall result in the loss of three points from that player's team accrued competition points and the Club being fined.
- 7.1.2.3 Failure of a Club to provide an umpire to a rostered junior game shall result in a fine.
- 7.1.2.4 Player umpires rostered to junior games shall be registered in Under 16 or above.
- 7.1.2.5 Player/Club official umpires are required to wear closed in shoes and Club shirt.
- 7.1.2.6 Player/Club official umpires allocated to a plate are required to wear a face mask, chest protector, leggings and use a counter.

7.2 Judiciary

- 7.2.1 All matters relating to the Judiciary Process will be handled in accordance with the Queensland Softball Incorporated – Zero Tolerance Policy and Section 8 of these rules.

7.3 Ethical and Responsible Behaviour

- 7.3.1 The Brisbane Softball Association as a member of Queensland Softball Incorporated supports and abides by the:
 - a) SQI – Players Code of Ethics
 - b) SQI – Official's Code of Ethics
 - c) SQI – Coaches Code of Ethics
 - d) SQI – Administrator's Code of Conduct/Ethics
 - e) SQI - Parent/Guardian Code of Ethics
 - f) SQI – Spectator's Code of Ethics
 - g) SQI – General Code of Ethics
 - h) SAL – Member Protection Policy
 - i) SAL – Privacy Policy
 - j) SAL - Pregnancy Policy
 - k) Umpire's Code of Ethics

8 DISCIPLINE

8.1 Adoption of By-law

- 8.1.1 This By-law is made under Rule 8 of the Constitution of the Association and is binding on all members of the Association and other persons or organisations which submit themselves to the jurisdiction of the Association.
- 8.1.2 Any and all By-laws of the Association previously made concerning Disciplinary Hearings are expressly rescinded. For the avoidance of doubt, all penalties handed down under previous Disciplinary By-Laws shall continue to be recognised by the Association.

8.2 Authority of Tribunal

- 8.2.1 The Association has the power under its Rules to hear and determine charges made against persons, affiliated clubs or teams arising from or related to softball activities, games and competitions conducted by:
 - 8.2.1.1 the Association itself; or
 - 8.2.1.2 its affiliated clubs; or

8.2.1.3 associate clubs.

- 8.2.2 The Association and each affiliated club and affiliated team has the right to delegate the power of hearing and determining charges to the Association Tribunal or to SQL in accordance with the provisions of this By-Law or any relevant By-Law of SQL.

8.3 Reports and Notifications

- 8.3.1 An alleged breach of the Codes of Conduct¹ may be reported by:

8.3.1.1 A player participating in the particular game in which an alleged breach occurs;

8.3.1.2 Any Coach, Manager, Scorer or Umpire involved in the particular game in which the alleged breach occurs;

8.3.1.3 The Secretary of a Club or the delegate/representative of an Associate Club;

8.3.1.4 Any member of the Association Management Committee;

8.3.1.5 A Member Protection Officer

8.3.1.6 A person appointed by the Association to investigate a complaint under Clause 8.4.3 of this By-Law.

8.4 Method of Handling Any Breach of the Codes of Conduct Not in the Course of a Game

- 8.4.1 Where any person mentioned in Clause 8.3.1 wishes to report an alleged breach of the Code of Conduct, that person shall forward a written submission to the Association Secretary by 6.00pm no later than seven (7) days after the alleged breach occurred.

- 8.4.2 Upon receipt of a written submission pursuant to Clause 8.4.1, the Association Secretary will forward the matter to the Tribunal Chairperson who shall take such action as required under By-Law 8.4.3.

- 8.4.3 The Tribunal Chair may undertake, or delegate to another Tribunal Member, the investigation of the matter and determine whether or not the person has breached one of the Codes of Conduct. Such person undertaking the investigation shall be hereafter called the Tribunal Investigator.

8.4.3.1 A Tribunal Investigator is not bound by the rules of evidence and is free to inform himself/herself as he/she sees fit subject to the requirement to afford natural justice to the participants.

- 8.4.4 In any circumstances where the complainant is unable to properly identify the person who is the subject of the complaint, that club, team, official or player, as the case may be, shall provide all reasonable assistance to the Tribunal Investigator to facilitate such identification should the Tribunal Investigator request such assistance.

- 8.4.5 Where any person refuses to co-operate with a Tribunal Investigator as required by clause 8.5.4, the Tribunal Investigator may notify the Tribunal Chair of such refusal and the Chair shall cite that person to appear before the Tribunal to be dealt with pursuant to clause 8.4.7.

- 8.4.6 Where the Tribunal Investigator is of the opinion, after having considered the available evidence, that a complaint:

8.4.6.1 discloses no offence; or

¹ The Codes of Conduct refer to all policies of the BSA including, but not limited to, the documents named in 7.3.1.

8.4.6.2 is supported by insufficient evidence of guilt; or

8.4.6.3 discloses only a minor or trifling offence;

the Tribunal Investigator may decline to institute disciplinary proceedings whereupon the Tribunal Investigator shall notify the complainant, Association Secretary and where necessary, the Tribunal Chair, in writing and the decision of the Tribunal Investigator shall be final and binding.

8.4.7 Should the Tribunal Investigator determine that a breach has occurred; the Tribunal Investigator may refer the matter to the Association Tribunal in which event that Tribunal Investigator will prosecute the matter before the Tribunal.

8.5 Tribunals

8.5.1 The Tribunal shall have power to suspend, disqualify, reprimand, fine, bond, ban or otherwise deal with any person involved with the Association (including, but not limited to players, coaches, club, team officials or spectators) in accordance with this By-Law, regarding any incident arising from an activity conducted by the Association. The incident may have occurred before, during or after the conduct of the activity, within the confines of the stadium, activity venue or its immediate surrounds, or elsewhere if directly related to a softball activity of any sort.

8.5.2 The Tribunal may also deal with any other disciplinary matter delegated to it for adjudication by an affiliated club/team.

8.5.3 The Tribunal must at all times act independently and impartially in carrying out its duties in accordance with this By-law.

8.6 Membership of Tribunal

8.6.1 The Tribunal panel shall be appointed by the BOM and shall comprise the following persons:

8.6.1.1 a Tribunal Chair who shall be a person of experience and skills suitable to the function of chairing the Tribunal and discharging the responsibilities set out under Clause 8.7.1; and

8.6.1.2 no fewer than two other Tribunal members.

8.6.2 Where a Tribunal chairperson or Tribunal member resigns or is dismissed such that a vacancy exists on the Tribunal, the Management Committee shall act to fill such vacancy by appointing a replacement for that position as soon as is reasonably practical to do so.

8.6.3 Wherever possible, matters referred to the Tribunal for determination shall be heard by three members of the Tribunal as determined by the Tribunal Chairperson; however a quorum of the Tribunal shall be two (2) members.

8.6.4 No Tribunal decision shall be invalidated by any irregularity in the appointment of a Tribunal member.

8.7 Responsibilities of Tribunal Chair

8.7.1 Without limiting the duties of the Tribunal Chair as set out under the various clauses of this By-Law, a person appointed to the position of Tribunal Chair shall have the following responsibilities:

8.7.1.1 to ensure accurate records are kept of all of the Tribunal's proceedings and decisions and to make such records available to the BOM and SQI upon request;

8.7.1.2 to communicate to the Association Secretary the results of hearings of the Tribunal;

- 8.7.1.3 to chair hearings of the Tribunal or to ensure that such task is delegated to a member of the Tribunal; and
- 8.7.1.4 to raise with any proposed Tribunal member any potential or possible conflict of interest which may arise from time to time.

8.8 Records of Tribunal Proceedings

- 8.8.1 The method of recording the proceedings and determinations of the Tribunal shall be at the discretion of the Tribunal Chair.
- 8.8.2 The Tribunal Chair shall advise all those present of the method of recording the hearing.

8.9 Attendance at Tribunal Hearings

- 8.9.1 Unless excused by the Tribunal Chairperson the following persons shall be required to attend a Tribunal Hearing conducted under this By-Law:
 - 8.9.1.1 the charged person;
 - 8.9.1.2 the president, secretary or other delegate representing a charged team or club;
 - 8.9.1.3 the reporting official(s);
 - 8.9.1.4 any other person involved in the report;
 - 8.9.1.5 witnesses as indicated by the reporting official or charged person to be notified by the Tribunal Investigator; and
 - 8.9.1.6 any witness required by the Tribunal Investigator or the Tribunal.
- 8.9.2 The following persons shall be entitled to attend a Tribunal hearing as appropriate:
 - 8.9.2.1 any player of a charged team or club;
 - 8.9.2.2 witnesses called to give evidence by a charged person, team or club;
 - 8.9.2.3 witnesses called to give evidence by the reporting official(s); and
 - 8.9.2.4 any adult adviser to a charged person or reporting official.
- 8.9.3 Any other person shall be entitled to attend a Tribunal hearing with the permission of the Tribunal.
- 8.9.4 Legal representatives or advocates are not permitted to appear before the Tribunal unless in exceptional circumstances and where leave to appear has been granted by the Tribunal.

8.10 Non-attendance at Tribunal hearings

- 8.10.1 If any charged person (or representative of a charged team or club) fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Tribunal in the absence of the charged person, team or club, provided that the Tribunal is satisfied that all notification procedures under this By-Law have been carried out.
- 8.10.2 A charged person, team or club or reporting official may apply to the Tribunal Investigator to have a Tribunal hearing adjourned if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. This

will be at the discretion of the Tribunal Investigator (or the Tribunal if already convened) and if the application is granted a new date shall be fixed.

- 8.10.3 A charged person who is unable to attend a Tribunal hearing shall be entitled to appoint a representative (who is not a legal practitioner) to appear in his/her place if that charged person intends not contesting the charge, subject to the Tribunal receiving a letter of consent from the charged person containing the person's intention to not contest the charges contained in the report and any statement that person would have given to the Tribunal had he or she attended the hearing.
- 8.10.4 If any witness fails to attend a Tribunal hearing, the hearing may continue in their absence.
- 8.10.5 If a reporting official fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination may be made by the Tribunal in the absence of the reporting official, provided that the Tribunal is satisfied that all notification procedures under this By-Law have been carried out.
- 8.10.6 If a reporting official or Organising Body official inadvertently fails to carry out any duties listed in this clause, the charges shall not be dismissed for this reason, but may be adjourned to allow the omission to be rectified. Where appropriate, the Tribunal shall take the failure into account and make suitable allowance'

8.11 Tribunal hearing conducted via teleconference

- 8.11.1 A charged person, team or club may apply to the Tribunal Investigator or the Tribunal Chairperson to have a Tribunal hearing conducted by telephone conference call if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. In all other respects the procedure of the Tribunal hearing shall be conducted in accordance with this By-Law.

8.12 Procedures of the Tribunal

- 8.12.1 For the purpose of this Clause 8.12, a reference to a charged person includes a reference to the representative(s) of a charged team or club.
- 8.12.2 In the event of a team or club being reported, one (1) member of the team or club shall act as spokesperson for the team or club provided that an individual member of that team or club may elect to speak on their own behalf.
- 8.12.3 At the commencement of a hearing, the Tribunal Chairperson shall identify the members of the Tribunal and determine whether the charged person is present to answer the charge(s) set out in the report.
- 8.12.4 The charged person shall be asked whether he/she accepts the members of the Tribunal as impartial and independent, or whether he/she wishes to raise any objection in relation to any member. If the objection is found by the Tribunal to be valid, then the Tribunal member shall stand down for the duration of the hearing.
- 8.12.5 The charged person and the reporting official(s) shall be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Tribunal considers its findings and determines an appropriate penalty (if any).
- 8.12.6 The charge(s) as contained in the report shall be read out in the presence of all persons eligible to be present.
- 8.12.7 The reporting official shall be asked whether the charge correctly represents their intention and the charged person shall be asked whether the charge is understood.

- 8.12.8 The charged person shall be asked whether or not they intend to contest the charge(s).
- 8.12.9 If the charged person does not contest the charge(s), the Tribunal Chair may read a short summary of the facts, admit the reporting official's evidence (written/verbal) and no witnesses need be called to give evidence unless the Tribunal requires it.
- 8.12.10 If the charged person contests the charge(s), then the Tribunal Chair shall ask all witnesses except the reporting official(s) and the charged person (and their advisers if appointed in accordance with this By-Law) to leave the room and to wait to be called to give their evidence.
- 8.12.11 The reporting official (or the adviser to a reporting official who is a minor) shall proceed to give evidence and the witnesses of the reporting official(s) shall be called upon to give his/her evidence in turn, subject to the approval of the number of witnesses to be called by the Tribunal in its discretion. The charged person or his/her adviser may ask questions of the reporting official or any witness called but all such questions must be directed through the Tribunal Chair.
- 8.12.12 Each witness shall be entitled to leave the Tribunal hearing after giving evidence unless otherwise directed by the Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Tribunal.
- 8.12.13 The charged person shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Tribunal in its discretion. The Tribunal Investigator may ask questions of the charged person or any witness called but all questions must be directed through the Tribunal Chair.
- 8.12.14 The Tribunal is empowered to question any person giving evidence.
- 8.12.15 Where a person exercises their right to have an adult observer or adviser present in accordance with this By-Law, an opportunity for consultation shall be provided.
- 8.12.16 Video evidence may be presented in the discretion of the Tribunal.
- 8.12.17 At the conclusion of all of the evidence and submissions the Tribunal Chair shall ask the charged person, the reporting official and all other persons present to leave the hearing room while the Tribunal considers its findings.
- 8.12.18 If the Tribunal is not satisfied that the particular charge has been proved, but is satisfied that a lesser charge has been established, then the Tribunal may find such lesser charge established and shall apply the penalty applicable to the lesser charge.
- 8.12.19 Subject to Clause 8.12.20, where it appears to the Tribunal that the reporting official has made an error in laying the wrong charge or omitted charges that should have been laid, the Tribunal may amend the charge(s) and proceed to make a finding. Further, the Tribunal has the right to direct a Tribunal Investigator to further investigate whether a person other than the charged person should be charged with an offence under this By-Law on the basis of evidence presented before it during the course of conducting a hearing.
- 8.12.20 Where charges have been amended under Clause 8.12.19, the Tribunal shall adjourn the hearing unless the charged person consents to it proceeding at that time.
- 8.12.21 The decision of the Tribunal shall be given in the presence of all, by the Tribunal Chair.
- 8.12.22 Subject to Clause 8.12.18, if the Tribunal is satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.

- 8.12.23 If a charge has been found proven by the Tribunal the charged person shall be informed of the finding. Any previous convictions against the charged person should then be laid before the Tribunal and the Tribunal Investigator should be given the opportunity to make submissions on penalty.
- 8.12.24 The charged person should then be given the opportunity to make a final statement in relation to previous convictions or other mitigating circumstances before the persons referred to in Clause 8.12.17 are asked to leave the room a second time.
- 8.12.25 The Tribunal shall then determine the penalty to be imposed (if any) and shall recall the charged person and reporting official to advise of the penalty.
- 8.12.26 The Tribunal is not obliged to give oral or written reasons for any decision made by it under this By-Law.
- 8.12.27 A charged person who has been convicted of an offence and received a penalty under this By-Law shall not play, coach, referee or otherwise take part in softball activities as directed by the Tribunal until the penalty has been served to the satisfaction of the Association.

8.13 Offences and Penalties

- 8.13.1 The standard offences and the prescribed penalties to be applied by the Association Tribunal are set out in the version of the Softball Queensland Inc. Zero Tolerance Policy in effect at the time of the particular offence including:
- a) Suspension from participation in softball, as a player and/or an official, for a specific period of time (being not more than 1 year) or a specific number of fixtures (being not more than twenty (20) matches);
 - b) Disqualification from eligibility to be selected for, or to participate in (as the case may be) specified softball activities including, but by no means limited to, membership of representative teams and development squads, attendance at seminars or camps;
 - c) Disqualification from eligibility to receive incentives or other assistance from the Association;
 - d) Imposition of a fine;
 - e) Payment of restitution or compensation;
 - f) Reprimand;
 - g) Warning;
 - h) Any permutation or combination of the foregoing penalties;
 - i) Such other penalty as the Association Tribunal considers to be appropriate and commensurate with the seriousness of the offence or which may be specified in any By-Laws of the Association in effect at the time of the particular offence occurring with the exception of lifetime suspension or expulsion which can only be applied in accordance with Rule 8 of the Constitution.
- 8.13.2 Where charges arising from one particular incident are heard together and the Tribunal finds charges against the person or team proven for more than one offence, it may impose a single penalty, being not more than the maximum penalty for the most serious of the offences, or it may impose individual penalties for each offence.
- 8.13.3 A penalty handed down under this clause shall commence from the date of the Tribunal finding unless otherwise expressly directed by the Tribunal. Penalties should wherever possible be expressed to be calendar weeks as opposed to number of matches. The Tribunal has discretion to rule that a penalty will be suspended for the number of weeks which fall between seasons or during any season break.
- 8.13.4 Where a Tribunal imposes more than one period of suspension, it may impose them to be served concurrently or cumulatively or partly concurrently and partly cumulatively.
- 8.13.5 Persons on a first offence shall have this taken into account when assessing the penalty to be handed down.

- 8.13.6 A Tribunal may take into account a charged person's prior convictions in determining a penalty to be handed down provided the penalty does not exceed the maximum penalties assigned to offences under the Zero Tolerance Policy.

8.14 Right of Appeal from the Tribunal

- 8.14.1 An appeal from a decision of the Association Tribunal can be made to the Appeals Committee of Softball Queensland Inc.
- 8.14.2 Only a charged person shall have the right of appeal from a decision of the Association Tribunal under this By-Law.
- 8.14.3 In the event that the Association Tribunal suspends a player from participating in Softball for some period, subject to Clause 8.19, that player is not permitted to participate in any game of Softball until the penalty has been met or an appeal against such finding and/or severity of the sentence has been adjudicated upon by the SQI Appeals Committee.
- 8.14.4 Should an appeal subsequently be upheld any suspension or penalty shall nevertheless be deemed to be valid.

8.15 Grounds of Appeal

- 8.15.1 An appeal from a decision of the Association Tribunal can be made to the Appeals Committee of Softball Queensland Inc on one or more of the following grounds of appeal:
- a) that significant new or additional evidence has become available since the decision;
 - b) that the penalty imposed by the Association Tribunal is not in accordance with the provisions of this By-Law; or
 - c) that the Association Tribunal failed to provide procedural fairness (natural justice) to the person seeking the appeal.

8.16 Notice of Appeal

- 8.16.1 A person seeking to appeal a decision of the Association Tribunal must:
- a) lodge a notice ("Notice of Appeal") stating full details of charges and results thereof and stating in full the grounds of appeal with the General Manager within fourteen (14) days of the notification of a determination of a Tribunal hearing; and
 - b) pay the appeal fee to the General Manager when lodging the Notice of Appeal, which shall be \$110.00 (including GST) (the appeal fee does not apply in the case of appeals by minors and may be waived in the discretion of the Chairperson of the Appeals Committee).
- 8.16.2 An Appellant shall be notified within seven (7) days of receipt of the Notice of Appeal as to the time, date and place of the Appeal hearing.
- 8.16.3 If a Notice of Appeal is lodged with SQI, the General Manager shall convene an Appeals Committee to hear and determine the appeal in accordance with the SQI By-Law.

8.17 Relationship with criminal matters

- 8.17.1 If during a Tribunal hearing or an investigation under this By-Law it becomes known that criminal charges have been brought (as opposed to merely the subject of police investigation) arising out of the actions the subject of the hearing or investigation, the Association Tribunal may rule that further action be deferred until completion of the criminal charges, unless the police or other prosecuting authority advise they have no objection to the matter proceeding.
- 8.17.2 In making a determination under Clause 8.17.1, the Association Tribunal shall have regard to the need to ensure the ongoing safety of players, umpires and other persons involved in the association.

8.18 Natural Justice

- 8.18.1 The Association Tribunal are bound by the rules of natural justice when carrying out their respective functions pursuant to this By-Law.

8.19 Recognition of Penalties across Associations

- 8.19.1 The Association and each of its affiliated clubs and teams acknowledges and agrees that it is required to recognise and enforce penalties handed down against individual persons, teams or clubs by the disciplinary tribunals of all other organising bodies, softball associations, leagues and competitions which are affiliated with Softball Queensland Inc and or Softball Australia Ltd and or its Affiliated Associations.
- 8.19.2 When a person is disqualified from eligibility:
- a) to participate in a softball activity; or
 - b) to be or remain a member of the Brisbane Softball Association for any given period; or
 - c) is otherwise penalised, the Association Secretary, shall notify SQI in writing of:
 - i. the exact nature of the penalty;
 - ii. the full name of the person penalised; and
 - iii. the offence for which the penalty has been imposed.

8.20 Other Incidents

- 8.20.1 On notification of an offence or other incident, other than a breach to one of the Codes of Conduct or Member Protection Policy, The Association Management Committee may appoint an independent person to investigate and provide a written report to the Association Management Committee including recommendation/s for further action, if any.
- 8.20.2 The person conducting the investigation:
- a) must not have or be perceived to have a conflict of interest
 - b) must not be a Management Committee Member
 - c) cannot impose any penalties
 - d) is bound by the rules of natural justice
 - e) must act in a timely manner
 - f) must maintain confidentiality and refrain from discussing the matter with outside parties
 - g) does not have to be a member of the Association
- 8.20.3 Where a written report submitted by the person conducting the investigation identifies a possible breach to one of the Codes of Conduct or Member Protection Policy, the Management Committee shall refer the matter to the Association Tribunal Chairperson for handling under this By-Law no later than seven (7) days after the report was tabled at the Management Committee Meeting.

9 **AMENDMENTS TO BY- LAWS**

9.1 Amendment Authority

- 9.1.1 The Management Committee may formulate, issue, adopt, interpret and amend from time to time, By-Laws as per the Constitution.

END OF BY-LAWS