

B Y- L A W S OF QUEENSLAND BASKETBALL INC. (BASKETBALL QUEENSLAND)



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AMATEUR DEFINITION

STATUS OF PLAYERS

The status of players shall be as defined by F.I.B.A.

UNFINANCIAL MEMBERS

No person will be permitted to participate in any role in basketball whilst they remain a debtor to Basketball Queensland or any affiliated Association.

It is the responsibility of the debtor Association to advise all other affiliated Associations of any debtors.

In the event an Association allows a person to participate after they are advised of the status of the person by the debtor Association and after satisfactory proof of the debt is provided - if the Association continues to allow the person to participate, the said Association is liable to pay the debtor Association all monies outstanding.

Final arbiter will be Basketball Queensland where there is any dispute.

COMPETITION AGAINST NON-MEMBERS

1. Registered Participants shall not participate in competitions with other persons who are not members of the State Association or who are not registered with constituent Associations of the Australian Basketball Federation Incorporated or F.I.B.A.
2. Clause 1 of this Part shall not apply to matches arranged with overseas teams where such teams are approved by the Australian Basketball Federation Incorporated and the State Association.
3. Clause 1 of this Part shall also not apply to matches arranged with teams representing Schools, Universities and other Tertiary Institutions, and the Defense Forces.
4. Applications may be made to the State Association for relaxation of Clause 1 above in other particular cases; full details of the origin of the team proposed to be played must be forwarded to the State Association at least Twenty-eight (28) days before the proposed match is to be played.
5. Affiliated Associations shall not conduct competitions for non members except those competitions set out in Clauses 2, 3 and 4 above.
6. The Board shall have the power to investigate breaches of Clauses 1 and 5 above.
7. The Board shall have the power by way of suspension to take action against Associations which breach Clauses 1 and 5 above.



8. In addition to the power of the Board to suspend an Association under Clause 6 for breaches of Clause 1 and 5 above, the Board may demand payment from the Association of an amount equal to two times the registration fees which would be payable if the players in the competition conducted by the Affiliated Association were correctly registered. All monies payable by an Affiliated Association under this Clause shall constitute a debt due and owing to the State Association.
9. Where an Affiliated Association becomes liable to pay monies under Clause 8 above, the Board may recover from the Affiliated Association all costs incurred by the Board in recovering monies owing under Clause 8.

AFFILIATION REQUIREMENTS

1. Associations that wish to apply for affiliation with Queensland Basketball Incorporated shall provide evidence to the satisfaction of Queensland Basketball Incorporated of:-
 - a) the Association's ownership or control over basketball playing facilities;
 - b) the Association's ability to conduct a junior competition;
 - c) the Association's ability to conduct a senior competition;
 - d) the financial viability of the Association;
 - e) a population base to patronise the Association;
 - f) registration of all players in accordance with Queensland Basketball Incorporated Regulations;
 - g) either -
 - (i) the incorporation of the Association by producing a copy of the Constitution and Certificate of Incorporation; or
 - (ii) that an application to Incorporate has been submitted to the Justice Department;
 - h) the standard of the Association's coaching, refereeing and administration personnel.
2. In assessing proposed Affiliates, the Board of Queensland Basketball Incorporated will take into consideration;
 - (i) any of the matters in paragraphs (a) to (h) of Clause 1; and
 - (ii) any impact on the membership and financial viability of other existing Affiliated Associations.



3. Queensland Basketball Incorporated may call on an Affiliated Association at any time to provide evidence of any of the matters in paragraphs (a) to (h) of Clause 1 above;
4. Associations wishing to establish a Satellite Centre shall provide Queensland Basketball Incorporated with a five year plan detailing the matters specified in paragraphs (a) to (h) in Clause 1 and the Centres financial commitments to the Satellite.
5. Centres who do not comply with these Guidelines may be excluded from Queensland Basketball Incorporated activities.

BQ REGIONS

Basketball Queensland is divided into 8 Regions Incorporating the following Local Government boundaries

Far North Queensland

From Thursday Island in the North to Tully in the South and West to NT border.

Including Associations within the following Local Government authorities:

Torres, Cook, Carpentaria, Aurukun, Douglas, Mareeba, Cairns, Atherton, Eacham, Johnstone, Herberton, Cardwell, Etheridge, Croydon, Weipa.

North Queensland

From Herbert River in the North to Mackay in the South and West to NT border.

Including Associations within the following Local Government authorities:

Hinchinbrook, Thurwingowa, Townsville, Burdekin, Charters Towers, Bowen, Burke, Dalrymple, Flinders, Richmond, McKinlay, Cloncurry, Mt Isa, Whitsunday, Mackay, Sarina, Nebo, Mirani.

Central Queensland

From South of Mackay to Hervey Bay in the South and West to NT border.

Including Associations within the following Local Government authorities: Livingstone, Broadsound, Rockhampton, Fitzroy, Mt Morgan, Gladstone, Calliope, Miriam Vale, Eidsvold, Banana, Duaringa, Bauhinia, Emerald, Peak Downs, Belyando, Jericho, Blackall, Barcaldine, Aramac, Isisford, Ilfracome, Longreach, Winton, Barcoo, Boulia, Diamantina, Monto, Kolan, Perry, Burnett, Bundaberg, Isis, Biggenden, Gayndah, Mundubbera, Hervey Bay, Maryborough, Woocoo, Tiaro, Kilkivan, Murgon, Wondai.

Darling Downs

From Kingaroy in the North to NSW border in the South and West to NT border.

Including Associations within the following Local Government authorities: Kingaroy, Nanango, Crows Nest, Esk, Gatton, Laidley, Rosalie, Wambo, Dalby, Jondaryan, Toowoomba, Pittsworth, Cambooya, Clifton, Warwick, Boonah, Stanthorpe, Inglewood, Goondiwindi, Waggamba, Millmerran, Tara, Chinchilla, Murilla, Taroom, Bungil, Roma, Bendemere, Warroo, Balonne, Booringa, Murweh, Paroo, Tambo, Quilpie, Bulloo.





Amended 20-11-06

North Coast

From Gympie in North to Caboolture in South incorporating North of Boondal in East and West to Maleny.

Including Associations within the following Local Government authorities: Cooloola, Noosa, Maroochy, Caloundra, Kilcoy, Caboolture

With the following exception – Brisbane Wizards Basketball Association, which is situated within the Brisbane City Council is part of the North Coast region.

Brisbane North

From Redcliffe in North to Brisbane (North of Brisbane River) in South and West to Ipswich.

Including Associations within the following Local Government authorities: Brisbane, Redcliffe, Pine Rivers, Ipswich.

Brisbane South

From Brisbane (South of Brisbane River) in North to Redland in South East.

Including Associations within the following Local Government authorities: Brisbane, Redland.

South Coast

From Logan in North to Beaudesert in West incorporating Gold Coast in East.

Including Associations within the following Local Government authorities: Logan, Beaudesert, Gold Coast.

TRANSFERS AND CLEARANCES

A transfer is required for any member wishing to change from one affiliated Club or Association to another. It is the responsibility of the accepting affiliated associations to ensure clearances and transfers are obtained prior to the commencement of the individual playing. An official form should be completed. Specific details on process for transfers are listed within each of the Competition rules.

ETHICS AND CONDUCT COMMISSION

The Ethics and Conduct Commission is in place to assist in ensuring basketball is the 'sport of first choice' by parents, players, coaches, officials and administrators, because we act positively toward unacceptable sporting behaviour and provide a transparent system of accountability in everything we do.

This Commission acts in conjunction with the BQ Codes of Behaviour and ensuring their enforcement.

The Commission will be responsible for managing inappropriate behaviour of players, coaches, officials, administrators and spectators.

The Commission may also undertake reviews and complaint resolution as directed by the Board from time to time.



Basketball Australia
Model Disciplinary Tribunals By-law

Preamble

This Disciplinary Tribunal By-law (“the By-law”) has been prepared to assist Basketball Australia members in dealing with competition related offences and disputes which may arise in the conduct of basketball programs, competitions and events throughout Australia.

The By-law has been developed with reference to existing procedures currently utilised by State and local Basketball Associations and in consideration of the principles of procedural fairness.

League Associations may make their own Tribunal Rules to suit their own particular circumstances, but such Rules and any subsequent proposed alterations thereto require the approval of Basketball Australia".

The By-law is designed to be adopted by Basketball Associations in place of their existing rules in accordance with the procedure for adopting by-laws as set out in their Association constitution.

Each Constituent Association of Basketball Australia is required to adopt this By-law which shall govern the conduct of disciplinary procedures carried out in relation to all basketball competitions and activities conducted by the Constituent Association and its affiliated bodies.

Constituent Associations **only** may make limited amendments to the provisions of this By-law to take account of particular circumstances which might arise. However any such amendments must be submitted to Basketball Australia for its written approval, which will not be unreasonably withheld.

Notwithstanding any particular circumstances which a Constituent Association may have, the following provisions of this By-law shall be mandatory provisions and may not be amended:

- Clause 1 Adoption of By-law
- Clause 15 Procedures of the Tribunal
- Clause 16 Offences and Penalties
- Clause 18 Right of Appeal
- Clause 22 Proceedings of Appeal Tribunal
- Clause 25 Single Right of Appeal
- Clause 26 Exhaust Internal Appeal
- Clause 27 Relationship with Criminal Matters
- Clause 28 Natural Justice
- Clause 29 Recognition of Penalties across Associations

Any purported amendments to this By-law which contain amendments to the mandatory provisions will not be approved by BA.



Importantly, where the structure or operations of a Constituent Association so require, this By-law must also be adopted by basketball organisations affiliated to Constituent Associations which currently conduct their own disciplinary tribunals in accordance with local rules.

Part 1 Jurisdiction and Establishment of Tribunals

1. Adoption of By-law

- 1.1 This By-law is made under the By-laws of Queensland Basketball Incorporated ("Association") constitution and comes into operation on 21 August 2004 and is binding on all members of the Association and other persons or organisations which submit themselves to the jurisdiction of the Association.
- 1.2 Any and all By-laws of the Association previously made concerning Tribunals 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.

2. Authority of Tribunal

- 2.1 The Association has the power under its constitution to hear and determine charges made against persons, affiliated associations, teams or clubs arising from or related to basketball activities, matches and competitions conducted by:
 - (a) the Association itself; or
 - (b) its affiliated associations(referred to in this By-law as "Organising Bodies").
- 2.2 The Association and each affiliated association has the right to delegate the power of hearing and determining charges to the Association or affiliated association tribunal ("Tribunal") in accordance with the provisions of this By-law.
- 2.3 Where a matter arises for determination by a Tribunal it shall be dealt with at first instance by the Tribunal of the relevant affiliated association. Where an affiliated association has not convened a Tribunal in accordance with this By-law matters may be referred to the Association Tribunal with the consent of the General Manager of the Association.
- 2.4 The Tribunal shall have power to suspend, disqualify, reprimand, fine, bond, ban or otherwise deal with any person involved with basketball and / or the an Organising Body (including, but not limited to players, coaches, teams, clubs, officials or spectators) in accordance with this By-law, regarding any incident arising from an activity conducted by an Organising Body. 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 basketball activity of any sort.

- 2.5 The Tribunal may also deal with any other disciplinary matter delegated to it for adjudication by the relevant Organising Body.
- 2.6 The Tribunal must at all times act independently and impartially in carrying out its duties in accordance with this By-law.

3. Membership of Tribunal

- 3.1 The Tribunal panel shall be appointed by the relevant Organising Body and shall comprise of the following persons:
 - (a) a Tribunal chairperson 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 4.1;
 - (b) no fewer than three Tribunal members.
- 3.2 In appointing Tribunal and Appeal Tribunal members, Organising Bodies shall have regard to the desirability of pooling Tribunal members with other associations with a view to maximising the expertise in handling disciplinary matters within the sport of basketball.
- 3.3 Where a Tribunal chairperson or Tribunal member resigns or is dismissed such that a vacancy exists on the Tribunal, the management committee of the relevant Organising Body shall act to fill such vacancy by appointing a replacement for that position as soon as is reasonably practical to do so.
- 3.4 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.
- 3.5 No Tribunal decision shall be invalidated by any irregularity in the appointment of a Tribunal member.

4. Responsibilities of Tribunal chairperson

- 4.1 Without limiting the duties of the Tribunal chairperson as set out under the various clauses of this By-law, a person appointed to the position of Tribunal chairperson shall have the following responsibilities:
 - (a) to ensure accurate records are kept of all of the Tribunal's proceedings and decisions and to make such records available to the Organising Body upon request;
 - (b) to communicate to the Organising Body the results of hearings of the Tribunal;
 - (c) to chair hearings of the Tribunal or to ensure that such task is delegated to a member of the Tribunal;
 - (d) to raise with any proposed Tribunal member any potential or possible conflict of interest which may arise from time to time.



5. Records of Tribunals Proceedings

- 5.1 The method of recording the proceedings and determinations of the Tribunal shall be at the discretion of the Tribunal chairperson.

6. Convening Tribunal hearings

- 6.1 If practicable, the Organising Body shall provide notice to all teams participating in competitions conducted by it of the regular day, time and place of Tribunal hearings throughout the duration of the competition.
- 6.2 The Tribunal will be convened to hear charges arising from a match as soon as is practicable, preferably prior to the next round of matches occurring.
- 6.3 Notification of persons charged under this By-law shall include details of the day, time and place of the Tribunal hearing at which the charge will be heard in accordance with Part 3 of this By-law, and must be provided a reasonable period prior to such hearing.



Part 2 Reports and Notifications

7. Reports by officials

- 7.1 Any Organising Body official who has been so empowered by the relevant Organising Body, shall be entitled to report any person, team or club which, in the opinion of the official has committed an offence under this By-law.

8. Investigations

- 8.1 Where an Organising Body or an official of an Organising Body believes an offence may have been committed or the Organising Body receives a letter of complaint, but no report has been made, the Organising Body may investigate, or appoint a person to investigate, the alleged offence. If after the investigation it or the person appointed to investigate recommends that a report should be made, the Organising Body or the person appointed by it may make a report. A report arising out of an investigation conducted under this clause should be made within 1 week of the date on which the alleged offence took place.

9. Duties of officials making a report

- 9.1 Any official who makes a report under clauses 7.1 or 8.1 shall ensure that the charged person, team or club is notified of the report, as well as any other person involved in the report and all other match officials as soon as possible (but in any case within 48 hours), after the report is made.
- 9.2 An official who makes a report under clauses 7.1 or 8.1 shall enter the details of the alleged offence(s) on the report form issued by the Organising Body for that purpose as soon as possible (but in any case within 48 hours) after the match or other activity, noting all the particulars in connection with the report so that a clear account can be given to the Tribunal when the report is to be dealt with.
- 9.3 An official who makes a report under clauses 7.1 or 8.1 shall lodge a report form with the person nominated by the Association to take charge of reports, or if that is not possible, to leave the report at the stadium or Association office, marked to the attention of that person, as soon as possible (but in any case within 48 hours) after the activity.

10. Duties of Organising Body Receiving a report

- 10.1 The Organising Body shall appoint an officer to be responsible for the receipt of reports made under this By-law and to carry out the duties in connection with such reports ("Hearings Officer"). The officer to whom responsibility is delegated under this clause 10.1 may hold another position within the Organising Body.
- 10.2 The Organising Body shall require each team entered in competitions to designate on the entry form the telephone number of the team secretary, or manager, to be used for notification of reports.



10.3 The Organising Body shall maintain lists of names, addresses, telephone numbers and email addresses (if applicable) of all officials registered with the Organising Body.

10.4 The Hearings Officer designated under clause 10.1 shall have the following duties:

- (a) to recommend to the Organising Body the venue, time and day of the week to be set aside for hearings of the Tribunal;
- (b) to convene hearings of the Tribunal to deal with matters referred to it;
- (c) to ensure that three members of the Tribunal are present to deal with any matters referred to it for determination;
- (d) to receive and refer to the Tribunal all material relating to any reports made under this By-law;
- (e) to ensure the availability of all forms required to be used in any proceedings of the Tribunal;
- (f) to notify the charged person, team or club, through their team secretary or manager, of the date, time and place of the Tribunal hearing;
- (g) if the notification under clause 10.4(f) is made by telephone, the officer giving the notification shall immediately make a written record of the time and details of the telephone conversation;
- (h) if the charged person is under the age of 18 years, or otherwise unable to represent him or herself, then they are to be advised that they have the right to have an adult (not being a legal practitioner) with them at the Tribunal hearing, as an adviser, and that the adviser shall be allowed to ask questions;
- (i) to provide the charged person, team or club with a copy of the report form. In carrying out this function the Organising Body shall:
 - (i) hand a copy of the report form to the charged person (or a representative of a charged team or club) prior to the charged person leaving the match / activity venue following the activity out of which the report was made; or
 - (ii) send a copy of the report form to the charged person, team or club at the address of the team secretary or manager as collected under clause 10.2 above, as soon as possible after the date of the report being lodged by the official with the Organising Body; or
 - (iii) make a copy of the report form available for collection by the charged person, team or club and notify the team secretary or manager of the requirement to effect such collection.



- (j) to notify the reporting official and any other officials or witnesses required to be in attendance, of the date, time and place of the Tribunal hearing. Where such reporting official is under 18 years of age, they are to be advised that they have the right to have an adult with them at the Tribunal hearing, as an adviser, and that the adviser shall be allowed to ask questions;
- (k) to notify each of the above persons of the consequences of non-attendance at a Tribunal hearing and the procedure to be followed in each case;
- (l) to notify the chairperson (or his/her delegate) of the Tribunal that a report has been received, and to deliver to the chairperson (or his/her delegate) of the Tribunal the report form and any other information relevant to the case; and
- (m) to ensure sufficient report forms are available to officials at competitions conducted by the Organising Body and that officials are aware of the availability of such forms.

11. Period between report & Tribunal hearing

- 11.1 A charged person, team or club shall be entitled to participate in basketball competitions conducted by the Organising Body until such time as the Tribunal has heard and determined the report.



Part 3 Conduct of Tribunal hearing

12. Attendance at Tribunal hearings

- 12.1 The following persons shall be required to attend a Tribunal hearing conducted under this By-law:
- (a) the charged person;
 - (b) the president, secretary or other delegate representing a charged team or club;
 - (c) the reporting official(s);
 - (d) any other person involved in the report;
 - (e) witnesses as indicated by the reporting official or charged person to be notified by the officer designated under clause 10.1;
 - (f) any witness required by the Tribunal.
- 12.2 The following persons shall be entitled to attend a Tribunal hearing as appropriate:
- (a) any player of a charged team or club;
 - (b) witnesses called to give evidence by a charged person, team or club;
 - (c) witnesses called to give evidence by the reporting official(s);
 - (d) any adult adviser to a charged person or reporting official.
- 12.3 The following persons shall be entitled to attend a Tribunal hearing with the permission of the Tribunal:
- (a) Organising Body representatives;
 - (b) approved representatives of the media;
 - (c) any other person.

- 12.4 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 chairperson.

13. Non-attendance at Tribunal hearings

- 13.1 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 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.
- 13.2 A charged person, team or club or reporting official may apply to the Hearings Officer 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 Hearings Officer (or the Tribunal if already convened) and if the application is granted a new date shall be fixed.
- 13.3 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 on pleading guilty, subject to the Tribunal receiving a letter of consent from the charged person containing the person's guilty plea to the charges contained in the report and any statement that person would have given to the Tribunal had he or she attended the hearing.

- 13.4 If any witness fails to attend a Tribunal hearing, the hearing may continue in their absence.
- 13.5 If a reporting official fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination 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.
- 13.6 If a reporting official or Organising Body official inadvertently fails to carry out any duties listed in clause 10, 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.

14. Tribunal hearing Conducted Via Teleconference

- 14.1 A charged person, team or club may apply to 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.

15. Procedures of the Tribunal

- 15.1 For the purpose of this clause 15, a reference to a charged person includes a reference to the representative(s) of a charged team or club.
- 15.2 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.
- 15.3 At the commencement of a hearing, the 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.
- 15.4 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.
- 15.5 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).



- 15.6 The chairperson shall advise all those persons present of the method of recording the hearing.
- 15.7 The charge(s) as contained in the report shall be read out in the presence of all persons eligible to be present.
- 15.8 The charged person shall be asked whether the charge is understood and the reporting official asked whether the charge correctly represents their intention.
- 15.9 The charged person shall be asked to plead.
- 15.10 If the charged person pleads guilty to the charge(s), the chairperson 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.
- 15.11 If the charged person pleads not guilty then the chairperson 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.
- 15.12 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.
- 15.13 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.
- 15.14 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. Reporting officials or the adviser to a reporting official who is a minor may ask questions of the charged person or any witness called.
- 15.15 The Tribunal is empowered to question any person giving evidence.
- 15.16 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.
- 15.17 Video evidence may be presented in the discretion of the Tribunal.
- 15.18 At the conclusion of all of the evidence and submissions the chairperson shall ask the charged person, the reporting official and all other persons present to leave the hearing room while the Tribunal considers its findings.
- 15.19 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.

- 15.20 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 charges and proceed to make a finding. Further, the Tribunal has the right to direct that a person other than the charged person be charged with an offence under this by-law on the basis of evidence presented before it during the course of conducting a hearing.
- 15.21 Where charges have been amended under clause 15.20, the Tribunal shall adjourn the hearing unless the charged person consents to it proceeding at that time.
- 15.22 The decision of the Tribunal shall be given in the presence of all, by the Tribunal chairperson.
- 15.23 Subject to clause 15.19, if the Tribunal is satisfied that a charge has been established on the balance of probabilities (ie more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.
- 15.24 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.
- 15.25 The charged person should then be given the right to make a final statement in relation to previous convictions or other mitigating circumstances before being asked to leave the room a second time.
- 15.26 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.
- 15.27 The Tribunal is not obliged to give oral or written reasons for any decision made by it under this By-law.
- 15.28 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 basketball activities as directed by the Tribunal until the penalty has been served to the satisfaction of the Organising Body.



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:
 - (a) penalties for offences involving persons other than officials ("Group A offence"); and
 - (b) penalties for offences involving an official ("Group B offence")
- 16.3 Offences and penalties
 - (a) Disputing the decision(s) of a referee
Maximum penalty: 6 weeks suspension
 - (b) Unsportsmanlike behaviour
Maximum penalty: 6 weeks suspension
 - (c) Gross breach of Code of Conduct
Maximum penalty: 6 weeks suspension
 - (d) Attempting to trip
A – Maximum penalty: 10 weeks suspension
B – Maximum penalty: 20 weeks suspension
 - (e) Tripping
A – Maximum penalty: 10 weeks suspension
B – Maximum penalty: 52 weeks suspension
 - (f) Obscene gestures
A – Maximum penalty: 10 weeks suspension
B – Maximum penalty: 20 weeks suspension
 - (g) Offensive language (which may include abusive, obscene or insulting language)
A – Maximum penalty: 10 weeks suspension
B – Maximum penalty: 20 weeks suspension
 - (h) Attempting to strike
A – Maximum penalty: 10 weeks suspension
B – Maximum penalty: 52 weeks suspension
 - (i) Striking (fist, hand, object, head)
A – Maximum penalty: 52 weeks suspension
B – Maximum penalty: life-time suspension
 - (j) Attempting to elbow
A – Maximum penalty: 10 weeks suspension
B – Maximum penalty: 52 weeks suspension



- (k) 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
 - A - 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 suspension
- (v) Failure to co-operate in, or hindering an investigation or hearing under these by-laws.
 - Maximum penalty: 20 weeks suspension

16.4 Where charges arising from one particular incident are heard together and the Tribunal finds the person or team guilty of 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.

- 16.5 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 a discretion to rule that a penalty will be suspended for the number of weeks which fall between seasons or during any season break.
- 16.6 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.
- 16.7 Persons on a first offence shall have this taken into account when assessing the penalty to be handed down.
- 16.8 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 clause 16.3.



17. Administrative Tribunal (optional)

[This clause provides for the handing down of penalties without the need for a Tribunal hearing and may be implemented by Constituent Associations which wish to provide such an option for charged persons, teams and clubs]

- 17.1 If a person is charged with an offence carrying a maximum penalty of ten weeks or less, and
 - (a) is not a minor; and
 - (b) has not been charged previously within the last 12 monthsthe matter will be dealt with by an administrative tribunal.
- 17.2 A person charged with an offence:
 - (a) carrying a maximum penalty of more than ten weeks; or
 - (b) is a minor; or
 - (c) has been charged previously within the last 12 months; or
 - (d) rejects a penalty of the administrative tribunal under clause 17.5must be dealt with by the Tribunal.
- 17.3 An administrative tribunal shall consist of:
 - (a) The Tribunal Chairman for the relevant competition; and
 - (b) The secretary or administrator for the relevant competition.
- 17.4 When a report is received and the charge(s) carrying a maximum penalty of ten weeks or less, the administrative tribunal shall meet and determine a penalty. The charged person shall be notified of the penalty as soon as is practicable following the meeting of the administrative tribunal.
- 17.5 The charged person shall be required to notify the Organising Body of his / her acceptance or rejection of the penalty within three working days of notification. If the penalty is acceptable to the charged person the penalty shall be enforced with no right of appeal.
- 17.6 If the penalty is not acceptable to the charged person the matter shall be referred to the Tribunal and be treated in the same manner as any other charge.
- 17.7 If the charged person fails to indicate acceptance or rejection of the administrative penalty in writing to the Organising Body within three working days of notification, the administrative penalty will automatically be invoked.



Part 5 Appeals

18. Right of Appeal

- 18.1 There shall be no appeal from a decision of the Tribunal unless the person seeking to appeal (“Appellant”) satisfies the Appeals Officer of the Association, or their nominee, in that person’s sole discretion, that one or more of the following grounds of appeal is satisfied:
- (a) that significant new or additional evidence has become available;
 - (b) that the penalty imposed by the Tribunal is not in accordance with the provisions of this By-law; or
 - (c) that the Tribunal failed to follow procedures or requirements of this By-law to the significant detriment of the person seeking the appeal.
- 18.2 Only a charged person shall have the right of appeal from a decision of the Tribunal under this By-law.

19 Notice of Appeal

- 19.1 A person seeking to appeal a decision of the Tribunal must:
- (a) lodge a notice stating full details of charges and results thereof and stating in full the grounds of appeal with the Appeals Officer within fourteen (14) days of the notification of a determination of a Tribunal hearing (“Notice of Appeal”).
 - (b) pay the appeal fee to the Appeals Officer 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 Appeals Officer).

- 19.2 An Appellant shall be notified within seven (7) days of receipt of the Notice of Appeal as to whether an appeal hearing is to be granted and the time, date and place of the Appeal hearing, in the event that it is granted.

20. Appeal Tribunal

- 20.1 If an appeal hearing is granted, the Appeals Officer shall convene an Appeal Tribunal to hear and determine the appeal in accordance with this By-law.
- 20.2 An Appeal Tribunal shall consist of no fewer than three (3) persons appointed by the Association from time to time to hear appeals as required by the Association. Members of an Appeal Tribunal will preferably have experience in hearing and determining disciplinary matters in sport, however need not have any particular experience with the sport of basketball.
- 20.3 Tribunal members who were not involved in the hearing of a matter the subject of an appeal shall be eligible to sit on an Appeal Tribunal.



21. Serving of Tribunal Penalties

- 21.1 Subject to clause 21.2(b), where the Tribunal imposes a penalty that prevents the Appellant from participating in a match, the appellant shall serve that penalty pending the determination of the appeal.
- 21.2 Subject to clause 21.3, the Appeal Tribunal may of its own motion or upon application of any party to the appeal, order:
 - (a) that an appeal be adjourned;
 - (b) a stay of the execution of the penalty imposed by the Tribunal pending the determination of the appeal.
- 21.3 The Appeal Tribunal shall make an order under clause 21.2(b) only where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if such an order was not made. In determining that question, the Appeals Tribunal shall without limitation have regard to:
 - (a) the merits of the appeal and the Appellant's prospects of success;
 - (b) the interests of other teams, clubs and players; and
 - (c) the effect on the results of the competition.

22. Proceedings of Appeal Tribunal

- 22.1 The Appeal Tribunal and persons appearing before it are bound by the same procedures under this By-law as if the Appeal Tribunal was a Tribunal hearing a matter at first instance.
- 22.2 The Appeals Officer shall forward records of the Tribunal hearing in which the matter the subject of the Appeal was heard at first instance to the chairperson of the Appeal Tribunal.
- 22.3 The Appeal Tribunal shall have the discretion to conduct the hearing as a complete re-hearing or to limit the hearing to consideration of the ground(s) of appeal relied upon by the Appellant under clause 18.1.
- 22.4 An Appeal Tribunal shall have the power to:
 - (a) dismiss the appeal;
 - (b) uphold the appeal;
 - (c) impose any of the penalties set out in Part 4 of this By-law.
 - (d) reduce, increase or otherwise vary any penalty imposed by the initial hearings Tribunal

in such manner as it thinks fit.



- 22.5 The Appeal Tribunal is not obliged to give oral or written reasons for a decision under clause 22.4.
- 22.6 At the conclusion of the appeal, the chairperson of the Appeal Tribunal shall ensure that the Appellant and the reporting official are correctly informed of the determinations of the Appeal Tribunal. The chairperson shall also notify the Appeals Officer of the decision of the Appeal Tribunal.

23. Refund of Appeal Fee

- 23.1 The Appeal Tribunal shall have the discretion to refund the appeal fee payable under clause 19.1(b).

24. Costs

- 24.1 Each party to an appeal shall bear their own costs. The Appeal Tribunal has the power to award that the reasonable costs of the Appeal Tribunal be borne by either party in its absolute discretion.

25. Single Right of Appeal

- 25.1 There is only one right of appeal following the decision of the initial Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Tribunal and the decision of the Appeal Tribunal is final and binding on the parties.

26. Exhaust Internal Appeal

A person shall exercise his right of appeal under this By-law and have any appeal heard and determined by the Appeal Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law.

27. Appeal by Board of Basketball Queensland

- 27.1 By virtue of its constitutional responsibilities to Members, the Board has the power to appeal a decision made by any tribunal or review panel. Such appeal will be heard by an appropriately qualified person appointed by the Board and the findings will be final.



Part 6 Miscellaneous

28. Relationship with criminal matters

- 28.1 If during a Tribunal hearing 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 Tribunal and / or the Organising Body 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.
- 28.2 In making a determination under clause 28.1, the Tribunal and / or Organising Body shall have regard to the need to ensure the ongoing safety of players, referees and other persons involved in the Organising Body.

29. Natural Justice

To the extent that the principles of natural justice are not included in the provisions set out in this By-law they are expressly excluded.

30. Recognition of Penalties across Associations

Each Organising Body 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, basketball associations, leagues and competitions which are affiliated with Basketball Australia and or its Constituent Associations.

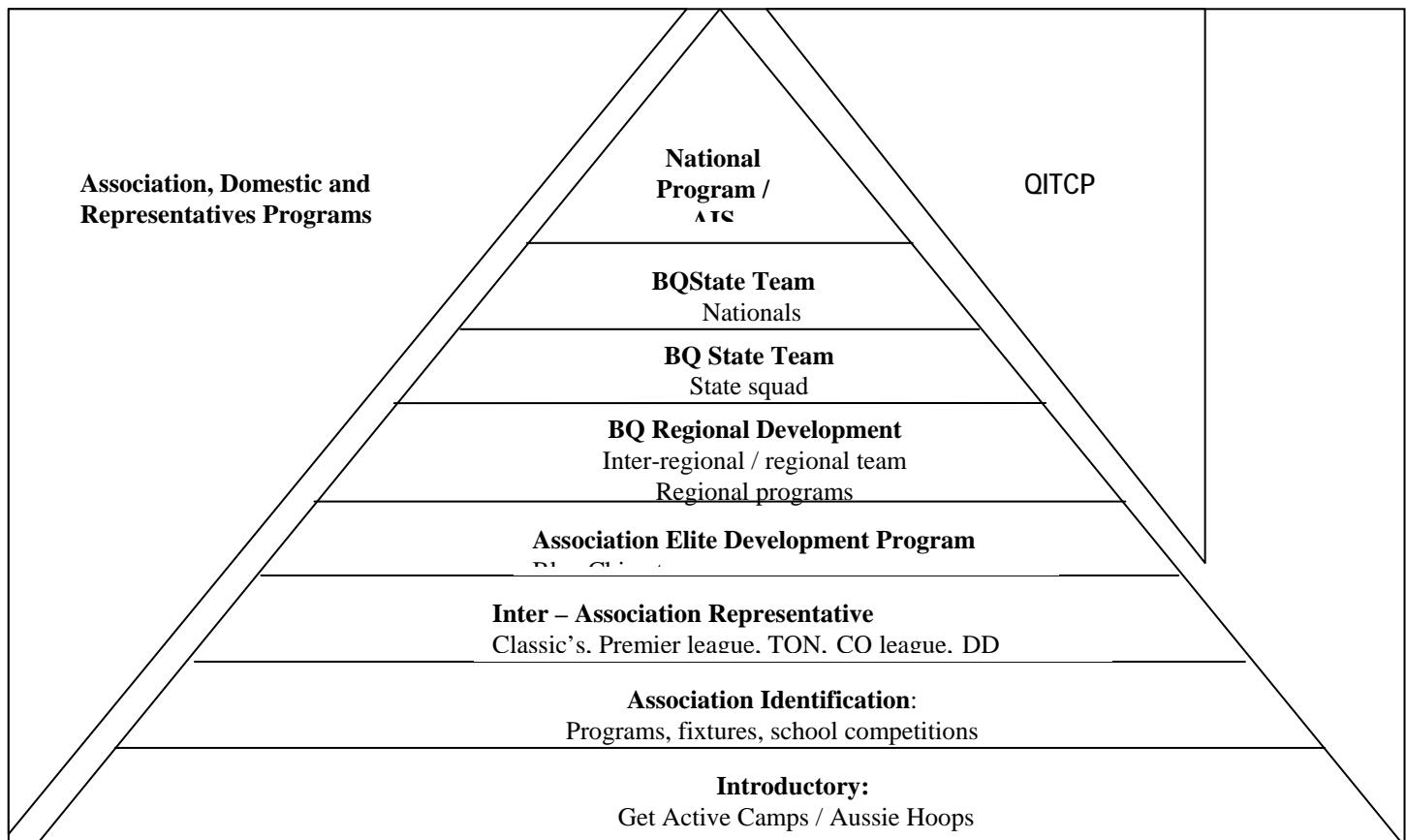


SANCTIONING APPLICATIONS

Refer to Sanctioning Application Policy

- a) Any invitation to compete in a tournament outside of Queensland requires the endorsed approval of the State Association in the State from where the invitation emanates.
 - b) Such invitations shall not be accepted without the prior approval of the Board of Management. The Board may delegate this authority. When application for approval is made, details of matches to be played and travel arrangements shall be given.
 - c) Any invitations to teams, coaches, referees, or officials from outside of Queensland shall first be submitted to the Board of Management or its delegate, for approval. Details of proposed program shall be submitted with the application.
-
- a) Applications for all or any interstate or overseas tour must first have the approval of the Board of Management, or its delegate before negotiations commence.
 - b) Applications to host incoming tours must first have the approval of the Board of Management or its delegate before negotiations commence.
 - c) Refer to Sanctioning Policy for all other guidelines, application form and prescribed fees attached to sanctioning of events.

BQ PLAYER, COACH AND OFFICIAL DEVELOPMENT PATHWAYS



STATE REPRESENTATIVE TEAMS PLAYING COLOURS AND STATE UNIFORMS

- a) Playing colours and uniforms shall be as follows:

<u>Teams representing</u>	<u>Uniform and Colours</u>
Queensland	Maroon with white trim/alternate White with maroon trim (Blue and Gold may also be interchanged)

- b) The walking out uniform and playing uniform shall be as determined from time to time by the Board of Management.
- c) Subject to approval for each individual player from the Queensland Olympic Council to the State Association, any player chosen to represent the State in an Interstate series or in an International match shall be entitled to wear a State Uniform, but the whole of the team must be similarly attired.

STATE REPRESENTATIVE TEAMS – TEAM STAFF SELECTION POLICY

Refer to Team Staff Selection Policy

STATE REPRESENTATIVE TEAMS – PLAYER SELECTION POLICY

Refer to Player Selection Policy

STATE CHAMPIONSHIPS - Classics

Refer to State Classics Policy

REGIONAL CHALLENGE

Basketball Queensland will conduct as part of its player, coach and official development pathway an annual tournament for Regions to participate in.

The Regional Challenge will include team nominations from each of the 8 regions in age groups as determined by the Board.

Team nominations will also be accepted from interstate, or international teams in the prescribed age groups.

Refer to Regional Challenge Host for Agreement of host centers for the event.

REGIONAL LEAGUES

BQ shall recognize as part of its player pathway Regional Leagues. Application must be made to the Board of BQ to seek endorsement and sanctioning for the running of these leagues.



Refer to individual By-laws for CQ Regional league, Darling Downs Regional league, top of the North, South East Qld – Premier league.

QUEENSLAND AUSTRALIAN BASKETBALL LEAGUE

Basketball Queensland owns the license to the Queensland Australian Basketball League (QABL) and is affiliated to the Australian Basketball Association (ABA).

Basketball Queensland as the owner operator of the QABL is thereby entitled to govern, regulate, oversee, and make and direct compliance with rules, regulations and by-laws in relation to that Competition and the incorporated bodies that have been approved to participate in the League.

The QABL will be represented at National meetings by the QABL Director, appointed by the BQ Board.

Clubs will be required to nominate teams to participate in the QABL according to the guidelines and the Board of BQ will approve applications to participate in the League.

Refer to the QABL Game Controllers Handbook for all rules of the competition.

QABL STATE PANELS - POLICY

1. Policy Statement/Introduction

The purpose of this proposal is to adequately define the criterion that surrounds the selection and allocation of referees to the QABL State Panels. This document is for discussion purposes only and is intended for the BQ Standards Committee only.

2. Panel Content

The detail contained within the Panel descriptions is intended to produce a high-performance environment that reflects the tiered competition of Basketball Australia, that is:

1. NBL
2. WNBL
3. ABA
4. Domestic League at Association level

There is deliberately no mention of FIBA badge holders as the FIBA License is fundamentally not a BQ issue, although it is accepted that BQ would have input. Ultimately, a recommendation is given by Basketball Australia to FIBA and ultimately ratified by FIBA. It is recommended that in consultation with BA any FIBA officials will be allocated QABL Panel status by the BQSC.



Panel 1

- ✓ Active and Current NBL referees, and must be available to referee both divisions of the QABL, and
- ✓ Successfully passed the Multi-Load Shuttle Fitness requirements as laid down from time to time by Basketball Australia (BA).

Panel 2

- ✓ Active and Current WNBL referees, and must be available to referee both divisions of the QABL, and
- ✓ Active and Current Level 4 referees who have completed both theory and practical elements, and must be available to referee both divisions of the QABL, and
- ✓ Active and Current BQ Referee Academy (NRDP) members on Panel One (1) only, and must be available to referee both divisions of the QABL, and
- ✓ Successfully passed the Multi-Load Shuttle Fitness requirements as laid down from time to time by Basketball Australia (BA).

Panel 3

- ✓ Active and Current Level 3 referees who have completed both theory and practical elements, and must be available to referee both divisions of the QABL, and
- ✓ Active and Current BQ Referee Academy (NRDP) members on Panel Two (2) only, and must be available to referee both divisions of the QABL, and
- ✓ Successfully passed the Multi-Load Shuttle Fitness requirements as laid down from time to time by Basketball Australia (BA).

Panel 4

- ✓ Active and Current Level 2 referees who have completed both theory and practical elements, and
- ✓ Successfully passed the Multi-Load Shuttle Fitness requirements as laid down from time to time by Basketball Australia (BA).

Panel 5

- ✓ Active and Current Level 1 referees who have completed both theory and practical elements, and
- ✓ Successfully passed the Multi-Load Shuttle Fitness requirements as laid down from time to time by Basketball Australia (BA).

3. Roster Development / Alterations

- 3.1 Rosters will be prepared by the Super 8 Commissioner and Southern Cross Commissioner for the respective divisions of the QABL.
- 3.2 Rosters will be posted by the respective Commissioners on six-weekly cycles and be displayed on the BQ web-site for access.
- 3.3 Appointments to the QABL will be made on the basis of the criteria in *Part 2*



Panel Content of this document.

- 3.4 Referees appointed to QABL games will be required to give at least 2 weeks notice if they are unable to commit to their appointments. Referees are required to contact the relevant Commissioner both personally and in writing of their unavailability.

4. Delegations

- 4.1 It is important to note that where inconsistencies exist with the exact allocation of a referee to a particular Panel, it is recommended that the BQSC exercise their prerogative to assign referees.
- 4.2 The BQSC will have sole prerogative to promote or relegate any BQ referee who does not meet the criteria in *Part 2 Panel Content*.
- 4.3 The BQSC will consult, where required with the following entities when gathering appropriate feedback is gathered about the performance of BQ referees during the course of the QABL season. The entities include, but may not be restricted to the following:

- BQ Evaluators at NBL, WNBL and QABL level competitions and Regional Coordinators

5. Appeals

- 5.1 Appeals can be made directly in the first instance to the BQSC in written form detailing the reasons for the appeal and any supporting documentation that would readily assist the appeal process. The BQSC must respond in writing to the appellant/s within a 14-working day timeframe.
- 5.2 Where the appeal is heard by the BQSC and the appellant/s is not satisfied with the decisions a final appeal can be submitted directly to the CEO of BQ. The appeal must be submitted in writing detailing the substantive reasons for the appeal.
- 5.3 Appellant/s must pay a fee of \$100.00 for the appeal process as outlined on page 15 of the By – Laws of Queensland Basketball Inc. (Basketball Queensland)

6. Review

- 6.1 This document should be reviewed at the conclusion of the QABL season.
- 6.2 A report identifying recommendations for the preparation of the subsequent QABL season should be prepared prior to the end of the Calendar year for the season under review.

MEMBER PROTECTION BY-LAW

1. Refer to Member Protection by-law document



REGISTRATION BY-LAW

1. Associations may be audited by BQ from time to time. As part of the audit process BQ may examine:
 - a. Scoresheets for games played in Association competitions
 - b. Accounts kept by the Association
 - c. Proof of age of junior players
2. Associations must provide all details requested by BQ within 14 days of receiving the request. The cost of supplying the information requested will be met by the Association.
3. Failure to supply the information within 14 days may result in a fine of up to \$1,000.
4. All players must be registered on the BQ Database prior to competing in a competition. If a player is listed on a scoresheet and is not registered on the BQ Database at the time of the audit, the Association may be charged a fee of up to \$60.00 per player that is unregistered.
5. The Association must register all players found to be unregistered within 14 days of being notified that they are unregistered. Alternatively, the Association must notify BQ of any reason why the players should not be registered. Failure to register these players or notify BQ may result in a fine of up to \$60.00 per player for each 14 day period in which the Association does not fulfill this obligation.

BASKETBALL QUEENSLAND POLICIES

The following list of policies have been developed as By-laws of BQ and constitute part of the rules of the governing body and should be adhered to by all members as part of the Constitution and By-laws.

A copy of each of these documents has been provided to each affiliated Association. For further information contact BQ.

Name of Technical Development Policy	Date	Policy Number
Sanctioning - Events & Interstate Tours	13-9-01	POLTD1
State Player Selection Policy & Procedures	14 - 8 -02	POLTD2
State Coach & Manager Selection Policy	8-11-02	POLTD3
Cross Border Policy	5-4-01	POLTD4
Pregnancy Participation Guidelines (BA guidelines)	Dec 2002	POLTD5
Sanctioning - International Inbound Tours	10-10-02	POLTD6
Sanctioning - International Outbound Tours	10-10-02	POLTD8
State Championships (Classics)	24-4-02	POLTD9
How to Host An Event	Draft	POLTD10
State Referees Panel Levels	12-11-02	
Referees Standards Committee/Regional Coordinators structure	DRAFT	



Name of Administration Policy	Date	Policy Number
Clerical Award Conditions Policy	20-7-01	POLAD1
Defamation Policy	12-11-01	POLAD2
Fee Collection Policy	6-7-01	POLAD3
Document Management Procedures (Internal)	14-1-02	POLAD4
Mobile Phone Usage (Internal)	10-5-02	POLAD5
Privacy	14-10-02	POLAD6
Child Protection	14-10-02	POLAD7
Workplace Health & Safety	24-6-02	POLAD8
Workplace Rehabilitation	26-7-02	POLAD9
Risk Management	3-3-03	POLAD10

Other Relevant Policy/Reference Documents
BQ Board Governance Policy
BQ Codes of Behaviour
BQ Parent Information Sheet
Queensland Intensive Training Centre program – National Policy
Basketball Australia - Anti Doping Policy
Basketball Australia - Anti Discrimination Policy
Basketball Australia - Anti Harassment Policy
Basketball Australia - Ring Safety Guideline
Basketball Australia – Membership Protection Policy



AMENDMENTS TO BY-LAWS

NAME	PAGE	DATE
Tribunal Hearings - Appeal by Board of BQ	24	20 October 2004
Tribunal Hearings – Powers, Procedures and Recommended Penalties (new section)	7-25	21 August 2004
Judiciary Committee-Powers Procedures and Recommended Penalties rescinded	6-18	21 August 2004
Member Protection By-law (new section)	30	5 July 2004
Referees Panels by-law replaced	22	10 March 2004
Full By-Laws deleted and replaced	1 - 25	21 August 2003
Competition Against Non-Members	2	30 August 1991
Affiliation Requirements (New Section)	3	30 August 1991
Judiciary Committee-Powers Procedures and Recommended Penalties	5 - 17	17 March 1995
State Rules Interpreter	Deleted	17 March 1995
Selection of Referees to Represent the State	Deleted	17 March 1995
Addition of the Registration By-Law	31	





Amended 20-11-06

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