



BUNDABERG SOFTBALL ASSOCIATION INCORPORATED.

BY-LAWS

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Bundaberg Softball Association Inc.
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Affiliated with Softball Queensland Inc. and Softball Australia Ltd.

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GROUND RULES

Will be a separate document set each season by the Management Committee to be passed at a Management meeting at least 4 weeks prior to season commencement and distributed to all clubs.

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SECTION 1 – GENERAL

1. These by-laws shall be construed in accordance with and subject to the rules of the Bundaberg Softball Association Incorporated (hereinafter called the "Assn" or "BSA").
2. In any case where there shall be a conflict between these by-laws and the rules of the game of softball published by the international softball federation then the rules of the International Softball Federation shall apply (except in the case of local ground or Softball Queensland rules).
3. Interpretation - In the event of any uncertainty of the interpretation of any sections of the By-Laws, the BSA's Management Committee will decide the outcome (BSA Constitution). This decision will be final.
4. All changes to By-Laws and Ground Rules by the Management Committee require a 75% majority.
5. Changes to By-Laws and Ground Rules at a General Meeting require a 2/3 majority to be passed.

THE MOTTO OF THE ASSOCIATION SHALL BE:

"CLEAN, FAIR, COMPETITIVE SPORT"

1. SECTION 2 - MANAGEMENT COMMITTEE

Composition of the Management Committee:

- President
- Vice President
- Secretary
- Treasurer
- 3 – 5 elected committee members

Other at General Meetings:

Club Delegates = One Club Representative (Club President or Written Nominated member)

1. All members of the Management Committee should attend all Management Committee meetings per year (AGM to AGM). Should any member be unable to attend 3 consecutive meetings, they should show cause why their position should not be declared vacant and nominations for this position be recalled and decided at the next monthly meeting.
2. No member of the Management Committee shall incur any expense on behalf of the association without prior approval of the Management Committee. Provided that in an emergency the President may authorize expenditure to a limit of \$200.00 without prior approval of the Management Committee. Provided further that nothing in this by-law shall apply to the expenses incurred by the Secretary in the performance of the Secretary's duties.
3. Any claim for expenses incurred by the Association shall be supported by documentary proof of the expenditure; the Management Committee may take into account the nature of the claim and the amount of the claim, and may approve the claim either in part or in full.
4. The Secretary shall be allowed the sum of \$50.00 as petty cash, and shall use such money to defray the expenses incurred by the Secretary and any other Management member in the performance of their duties. The Secretary shall keep a record of all such expenditure and shall be reimbursed from time to time, under an impress system.

2. SECTION 3 - MEMBERSHIP

1. Categories of membership
 - Members of the Association shall fall into one of the following categories:
 - Affiliated clubs
 - Life members
 - Associate Members
2. An Affiliated club as per the BSA Constitution:
Note: to constitute an underage team a club must have a minimum of seven (7) registered junior players.
3. A life Member (as per Constitution)
4. Associate Members (as per Constitution)
5. Categories of Associate membership
 - Other teams or clubs from other Associations wishing to participate in the Bundaberg Softball Association Competitions.
 - Clubs who are unable to be an Affiliated Club but wish to participate in the Bundaberg Softball Association Competitions.
 - Members of any group directly contributing to the conduct, administration, promotion or development of softball in some reasonable way and who applies for and is admitted to the Associate Membership status at the discretion of the Management Committee. Associate members rights and privileges are as per Constitution 5.6.4.3

3. SECTION 4 - FINANCE

1. At the first meeting of the Management Committee after each Annual Meeting the Treasurer shall formulate a proposed budget for the playing season.
2. The proposed budget shall be prepared by the Treasurer with such assistance as is necessary.
3. The Management Committee shall not set the registration fees until it has considered and adopted a budget for the next season.
4. The Treasurer shall provide a reconciled financial report to each meeting of the Management Committee.
5. No account shall be paid unless approved by the Management Committee. Prior to payment, the Treasurer shall verify that the goods or services were purchased by or rendered for the association. All paid accounts shall have endorsed thereon the date of payment, and the cheque number concerned and shall be filed in numerical order of the cheque numbers and shall be retained by the Treasurer for audit purposes.
6. In the event of the resignation of the Treasurer, the President shall obtain possession of all records from the outgoing Treasurer for auditing.

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7. The Treasurer shall not negotiate any personal cheques in respect of any funds of the association. In this context, the term "personal cheque" means and includes any cheque drawn personally by the Treasurer or jointly with another person, or any cheque drawn by a company in which the Treasurer has an interest, or any cheque by whom over drawn and made payable to the Treasurer or any person other than the association.
8. The person authorized to operate the bank account of the association are the President, Vice President, Secretary and Treasurer.
9. Funds obtained from any source for specified purposes shall be used only for that purpose
10. No member of the association shall solicit donations on behalf of the association, without the prior approval of the Management Committee. The Management Committee shall decide from time to time what amount shall be paid on account of player registration, levies and ground fees, which fees shall be paid by the sub association to the Registrar, of which that team forms part: before the commencement of the first game of fixtures in each season, and if any club shall fail to pay such fees by deadline set by Management Committee of fixtures, the team in respect of which the fees have not been paid shall not have the right to compete in any game or fixture conducted by the association until such fees have been paid. Should any team forfeit its right to play in any game or fixture then the team against which that team was to play shall be credited with points on the basis of a forfeit.
11. The association shall take into account, when considering what assistance shall be given to members of representative teams, a report from the representative on the committee in the raising of funds and the association may in its absolute discretion give such support and assistance as it deems fit to representatives who actively take part in the representative fund-raising committee.

4. SECTION 5 – POLICIES, OPERATIONAL GUIDELINES AND PROCEDURES

1. BSA adopts the following policy/procedures:

- Softball Queensland Incorporated (SQI) Zero Tolerance Policy. Refer to the Queensland Softball Queensland Incorporated (SQI) website for details. Copy in Office.
- Softball Australia (SAL) Member Protection Policy. The Member Protection Policy aims to ensure ethical and informed decision making and responsible behaviour in our sport. The Member Protection Policy contains the Softball Codes of Conducts for Officials, Coaches, Players, Administrators, Parents/Guardians and Spectators. Copy in Office
- Child Protection Risk Management Policy
- Social Media Policy
- Grievance Policy
- Standing Orders
- Management Committee Role Descriptions
- Principals of Natural Justice
- Bundaberg Softball Association Representative Policy.
- Sun Smart Policy

5. SECTION 6 – DISCIPLINARY BY-LAW

1. *Jurisdiction and Establishment of Tribunals*

1. Adoption of By-law

- 1.1 This By-law is made under Rule 8 of the Rules of **(Bundaberg Softball Association)** (“the Association”) and comes into operation on **(31 August, 2015)** 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 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.

2. *Authority of Tribunal*

- 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:
 - (a) the Association itself; or
 - (b) its affiliated clubs, affiliated teams.
- 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 SQI in accordance with the provisions of this By-Law or any relevant By-Law of SQI.

3. *Reports and Notifications*

- 3.1 An alleged breach of the Code of Conduct may be reported by:
 - (a) A player participating in the particular game in which an alleged breach occurs;
 - (b) Any Coach, Manager, Scorer or Umpire involved in the particular game in which the alleged breach occurs;
 - (c) The Executive Member of a Club or the delegate/representative of an affiliated team;
 - (d) Parent/Guardian/Spectator/Volunteer;
 - (e) Any member of the Association Management Committee;
 - (f) A Member Protection Information Officer (MPIO)
 - (g) A person appointed by the Association to investigate a complaint under Clause 21 of this By-Law.

4. *Method Of Handling Any Breach Of The Codes Of Conduct In The Course Of A Game (Zero Tolerance Policy Applies)*

- 4.1 Where any person mentioned in Clause 3.1 wishes to report an alleged breach of the Code of Conduct, that person shall forward a written submission to the Association President by 6.00pm no later than the day after the completion of the game in which the alleged breach occurred. Where any person mentioned in Clause 3.1 wishes to report an alleged breach of the Code of Conduct, that occur at events other than weekly training/fixtures e.g. state championships shall be submitted within 7 days of the alleged breach.
- 4.2 Upon receipt of a written submission pursuant to Clause 4.1, the Association President will forward the matter to the Tribunal Chair person who shall take such action as required under the relevant BSA By-Law.

5. *Method Of Handling Any Breach Of The Codes Of Conduct Not In The Course Of A Game*

- 5.1 Where any person mentioned in Clause 3.1 wishes to report an alleged breach of the Code of Conduct, that person shall forward a written submission to the Association President by 6.00pm no later than seven (7) days after the alleged breach occurred.
- 5.2 Upon receipt of a written submission pursuant to Clause 5.1, the Association President will forward the matter to the Tribunal Chairperson who shall take such action as required under By-Law 5.3.
- 5.3 The Tribunal Chairperson may undertake, or delegate to another Tribunal Member, the investigation of the matter and determine whether or not the person has breached a Code of Conduct. Such person undertaking the investigation shall be hereafter called the Tribunal Investigator.
- 5.3.1 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.
- 5.4 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.
- 5.5 Where any person refuses to co-operate with a Tribunal Investigator as required by clause 5.4, the Tribunal Investigator may notify the Tribunal Chairperson of such refusal and the Chairperson shall cite that person to appear before the Tribunal to be dealt with pursuant to clause 5.7.
- 5.6 Where the Tribunal Investigator is of the opinion, after having considered the available evidence, that a complaint:
- (a) discloses no offence; or

- (b) is supported by insufficient evidence of guilt; or
- (c) 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 President and where necessary, the Tribunal Chairperson, in writing and the decision of the Tribunal Investigator shall be final and binding

- 5.7 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 or refer to matter to SQL.

6. *Tribunals*

- 6.1 The Tribunal shall have power to suspend, disqualify, reprimand, fine, bond, ban or otherwise deal with any person involved with (Bundaberg Softball 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.
- 6.2 The Tribunal may also deal with any other disciplinary matter delegated to it for adjudication by an affiliated club/team.
- 6.3 The Tribunal must at all times act independently and impartially in carrying out its duties in accordance with this By-law.

7. *Membership of Tribunal*

- 7.1 The Tribunal panel shall be appointed by the Management Committee and shall comprise 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 8.1; and
 - (b) no fewer than three Tribunal members.
- 7.2 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.
- 7.3 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.
- 7.4 No Tribunal decision shall be invalidated by any irregularity in the appointment of a Tribunal member.

8. Responsibilities of Tribunal Chairperson

- 8.1 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 Association Secretary 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; and
 - (d) to raise with any proposed Tribunal member any potential or possible conflict of interest which may arise from time to time.

9. Records of Tribunal Proceedings

- 9.1 The method of recording the proceedings and determinations of the Tribunal shall be at the discretion of the Tribunal Chairperson.
- 9.2 The Tribunal Chairperson shall advise all those present of the method of recording the hearing.

10. Attendance at Tribunal Hearings

- 10.1 Unless excused by the Tribunal Chairperson 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 Tribunal Investigator; and
 - (f) any witness required by the Tribunal Investigator or the Tribunal.
- 10.2 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); and
 - (d) any adult adviser to a charged person or reporting official.

- 10.3 Any other person shall be entitled to attend a Tribunal hearing with the permission of the Tribunal.
- 10.4 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.

11. *Non-attendance at Tribunal hearings*

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 If any witness fails to attend a Tribunal hearing, the hearing may continue in their absence.
- 11.5 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.
- 11.6 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.

12. *Tribunal hearing conducted via teleconference*

- 12.1 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.

13. Procedures of the Tribunal

- 13.1 For the purpose of this Clause 13, a reference to a charged person includes a reference to the representative(s) of a charged team or club.
- 13.2 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.
- 13.3 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.
- 13.4 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.
- 13.5 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).
- 13.6 The charge(s) as contained in the report shall be read out in the presence of all persons eligible to be present.
- 13.7 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.
- 13.8 The charged person shall be asked whether or not they intend to contest the charge(s).
- 13.9 If the charged person does not contest the charge(s), the Tribunal 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.
- 13.10 If the charged person contests the charge(s), then the Tribunal 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.
- 13.11 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 Chairperson.
- 13.12 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.

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- 13.13 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 TI may ask questions of the charged person or any witness called but all questions must be directed through the Tribunal Chairperson.
- 13.14 The Tribunal is empowered to question any person giving evidence.
- 13.15 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.
- 13.16 Video evidence may be presented in the discretion of the Tribunal.
- 13.17 At the conclusion of all of the evidence and submissions the Tribunal 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.
- 13.18 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.
- 13.19 Subject to Clause 13.20, 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 TI 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.
- 13.20 Where charges have been amended under Clause 13.19, the Tribunal shall adjourn the hearing unless the charged person consents to it proceeding at that time.
- 13.21 The decision of the Tribunal shall be given in the presence of all, by the Tribunal Chairperson.
- 13.22 Subject to Clause 13.18, 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.
- 13.23 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 TI should be given the opportunity to make submissions on penalty.
- 13.24 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 13.17 are asked to leave the room a second time.
- 13.25 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.
- 13.26 The Tribunal is not obliged to give oral or written reasons for any decision made by it under this By-Law.
- 13.27 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.

14. Offences and Penalties

- 14.1 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 7 of the Constitution.
- 14.2 In accordance with the Zero Tolerance Policy the penalties prescribed in the Zero Tolerance Policy are doubled for incidents of abuse involving Junior, Trainee and Club Umpires and Officials.
- 14.3 In accordance with the Zero Tolerance Policy, the Association Tribunal may impose a reduced penalty for some categories of offence pursuant to the "acknowledge and acceptance" process prescribed by the Zero Tolerance Policy.
- 14.4 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.
- 14.5 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 discretion to rule that a penalty will be suspended for the number of weeks which fall between seasons or during any season break.

- 14.6 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.
- 14.7 Persons on a first offence shall have this taken into account when assessing the penalty to be handed down.
- 14.8 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 the Zero Tolerance Policy.

15. Right of Appeal from the Tribunal

- 15.1 An appeal from a decision of the Association Tribunal can be made to the Appeals Committee of Softball Queensland Inc.
- 15.2 Only a charged person shall have the right of appeal from a decision of the Association Tribunal under this By-Law.
- 15.3 In the event that the Association Tribunal suspends a player from participating in Softball for some period, subject to Clause 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.
- 15.4 Should an appeal subsequently be upheld any suspension or penalty shall nevertheless be deemed to be valid.

16. Grounds of Appeal

- 16.1 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.

17. Notice of Appeal

- 17.1 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 BSA President within fourteen (14) days of the notification of a determination of a Tribunal hearing; and
 - (b) pay the appeal fee to the BSA President when lodging the Notice of Appeal, which shall be \$50.00 (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).

- 17.2 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.
- 17.3 If a Notice of Appeal is lodged with BSA, the President shall convene an Appeals Committee to hear and determine the appeal in accordance with the SQI By-Law.

18. Relationship with criminal matters

- 18.1 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.
- 18.2 In making a determination under Clause 18.1, the Association Tribunal shall have regard to the need to ensure the ongoing safety of players, umpires and other persons involved in the association.

19. Natural Justice

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

20. Recognition of Penalties across Associations

- 20.1 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.
- 20.2 When a person is disqualified from eligibility:
- (a) to participate in a softball activity; or
 - (b) to be or remain a member of the Bundaberg 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.

21. Other Incidents

- 21.1 On notification of an offence or other incident, other than a breach to a code 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.
- 21.2 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
- 21.3 Where a written report submitted by the person conducting the investigation identifies a possible breach to a Code 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.