

Bowls Queensland Limited
A.C.N 009 705 515
Disciplinary By-Law

Version (5) 11.10.11 – Clean copy
Changes made from Special General Meeting 28/9/11

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L A W Y E R S

DISCIPLINARY BY-LAW

In accordance with the Constitution of Bowls Queensland Limited this By-Law is adopted by the Board of Directors (the Board).

This By-Law applies to discipline which is not specifically referred to in the Members Protection By-Law.

In this By-law the "Bowls Queensland Limited" shall be referred to "Bowls Queensland".

1 ESTABLISHMENT OF DISCIPLINARY PANEL

- 1.1 The Board may establish a Disciplinary Panel as required to deal with all disciplinary actions against Districts, Affiliated Clubs or members of Bowls Queensland teams or which arises out of conduct which occurs at an event run by Bowls Queensland ("Constituent").

2 COMPOSITION OF DISCIPLINARY PANEL

- 2.1 A Disciplinary Panel of up to a maximum of six (6) persons may be appointed by the Board for the purpose of hearing disciplinary actions and other matters under this By-Law. The Board shall also appoint a member of the Disciplinary Panel to act as the Chairperson. Where possible, the Chairperson shall be a Lawyer. Three (3) members of the Disciplinary Panel shall normally hear a matter but in an emergency two (2) members of the Disciplinary Panel shall constitute a quorum.
- 2.2 No member of the Board shall be appointed to the Disciplinary Panel.
- 2.3 A person that has been directly involved in or affected by the matter in dispute, or where a conflict of interest would otherwise arise, shall not be eligible to be a member of the Disciplinary Panel.

DISCIPLINARY BY-LAW FOR DEALING WITH CONSTITUENTS

3 NOTICE OF ALLEGED BREACH

- 3.1 Where the Board is advised or considers that a Constituent has allegedly:
- (a) intentionally breached, failed, refused or neglected to comply with a provision of the Constitution, By-Laws or any resolution or determination of the Board or any other duly authorised committee which is not of a trivial nature;
 - (b) breached any Code of Conduct;
 - (c) acted in a manner prejudicial to the objects and interests of Bowls Queensland;
 - (d) brought Bowls Queensland or the game of Bowls into disrepute.

- 3.2 the Board shall determine to:
- (a) dismiss the matter; or
 - (b) refer the matter to the Disciplinary Panel pursuant to clause 4;

4 DISCIPLINARY PANEL PROCESSES RE CONSTITUENTS

- 4.1 The Board may refer the matter to a Disciplinary Panel and nominate a Chairperson of the Disciplinary Panel in accordance with Rule 2 of this By-Law.
- 4.2 The CEO of Bowls Queensland shall, as soon as practicable following the appointment of a Disciplinary Panel, serve on the Member a notice in writing:
- 4.2.1 setting out the specific details alleged breach by the Constituent;
 - 4.2.2 setting out the facts and grounds on which the alleged breach is based;
 - 4.2.3 stating that the Constituent or representative may address the Disciplinary Panel at a hearing to be held not earlier than 7 days and not later than 28 days after service of the notice (Where a Constituent brings a representative the Constituent must also appear if a natural person);
 - 4.2.4 stating the date, place and time of that hearing;
 - 4.2.5 informing the Constituent that it may do one or more of the following:
 - 4.2.5.1 attend the hearing;
 - 4.2.5.2 give the Disciplinary Panel, before the date of that hearing, a written statement regarding the alleged breach.
 - 4.2.6 informing the Constituent that if it does not attend the hearing and/or provide a written statement prior to the hearing, the hearing will proceed and the matter will be determined in its absence.
- 4.3 Despite Rule 4.2.6 of this By-Law, the hearing may be held at any other time that the Chairperson of the Disciplinary Panel and the Constituent agree.
- 4.4 At a hearing of the Disciplinary Panel, the Disciplinary Panel shall:
- 4.4.1 give the Constituent every opportunity to be heard;
 - 4.4.2 give other aggrieved parties and any witnesses the right to be heard, present evidence or submit a written statement;
 - 4.4.3 give due consideration to any written statement submitted by the Constituent; and
 - 4.4.4 by resolution determine whether the alleged breach occurred.

- 4.5 Bowls Queensland and the Constituent shall be entitled to any representation (legal or otherwise) at the hearing.
- 4.6 The Disciplinary Panel shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) and shall determine what evidence shall be admissible at the hearing, provided that it does so in accordance with the principles of natural justice.
- 4.7 The Disciplinary Panel will make its decision immediately following the conclusion of the hearing if possible, but otherwise it shall inform the Constituent and the Secretary Manager of its decision within seven (7) days of the hearing.
- 4.8 If the Disciplinary Panel considers that the alleged breach did not occur, the matter shall be dismissed.
- 4.9 If the Disciplinary Panel considers that the alleged breach occurred, it may impose any one or more of the penalties set out in Rule 5 of this By-Law.
- 4.10 The Disciplinary Panel shall not be required to but may provide reasons for its decision. The Panel should endeavour to provide reasons.
- 4.11 Each party shall be responsible for their own costs associated with the Disciplinary Panel hearing. The Disciplinary Panel has no power to award costs to a party.

5 PENALTIES

- 5.1 If the Disciplinary Panel considers that the alleged breach occurred, the Disciplinary Panel may impose any one or more of the following penalties:
 - 5.1.1 impose a warning;
 - 5.1.2 direct the Constituent to make a verbal or written apology;
 - 5.1.3 where there has been damage to property, direct that the Constituent pay restitution to the relevant person or organisation that controls or has possession of the damaged property;
 - 5.1.4 withdrawal of any awards, placings, records or achievements bestowed upon the Constituent in any tournaments, activities or events held or sanctioned by Bowls Queensland that appertain to the breach;
 - 5.1.5 direct that any rights, privileges and benefits provided to the Constituent by Bowls Queensland be suspended for a specified period and/or terminated;
 - 5.1.6 reprimand the Constituent;
 - 5.1.7 suspend the Constituent from membership or affiliation to Bowls Queensland for a specified period;

5.1.8 expel the Constituent from membership or affiliation to Bowls Queensland;

5.1.9 impose a suspended penalty;

5.1.10 any other such penalty that the Disciplinary Panel considers appropriate.

6 APPEALS

6.1 There shall be a right of appeal from the decision of the Disciplinary Panel to an Appeals Tribunal.

6.2 The Board shall appoint an Appeal Tribunal of three (3) persons to hear the appeal. The Chairman of the Appeal Tribunal shall be a legal practitioner who is either a judge, barrister or solicitor. The other persons shall have appropriate experience to deal with such matters.

6.3 An appellant must seek leave to appeal against the decision of the Disciplinary Panel by applying to the Board with reasons for the appeal within fourteen days of the decision of the Disciplinary Panel. Such application for leave to appeal shall be lodged with an appeal fee of \$300.00. The Board shall make a decision on whether it grants leave to appeal at the next Board Meeting after the application for leave is made.