



## **DISCIPLINARY TRIBUNALS BY-LAWS**

**Adopted: March 2004**

**Basketball New South Wales**

**AMENDED July 2005**



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## SECTION 1

# INTERPRETATIONS



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with the By-Laws and having jurisdiction in accordance with these By-Laws

## **1. INTERPRETATION:**

**1.1** In this document unless the context indicates or requires the following words shall have the respective meanings attributed to them as follows:

**1.1.1** BNSW means Basketball NSW or New South Wales Basketball Association Limited (NSWBAL).

**1.1.2** "Organisation" means a company, incorporated body, or Recognised Body that has been set up specifically to run the sport of basketball in a locality determined by BNSW, and includes Member, Associate, Associate Organisation and Recognised Group.

**1.1.3** "Registered Participant" means a participant who is registered with BNSW and agrees to abide by BNSW's Registration and Tribunal By-Laws.

**1.1.4** "Official" means any person involved in the officiating, control, or administration of a basketball fixture conducted under the auspices of BNSW or an Organisation, including but without limiting the generality thereof referees, scorebench personnel, fixture supervisors, door keepers, operations personnel for that competition.

**1.1.5** "Registered Player" means a Registered Participant who has registered to play in a competition conducted under the auspices of BNSW, and/or an Organisation.

**1.1.6** "Organisation Tribunal" means the disciplinary tribunal appointed by the Organisation having jurisdiction in accordance with these By-Laws.

**1.1.7** "BNSW Tribunal" means the disciplinary tribunal appointed by BNSW having jurisdiction in accordance with these BY-LAWS.

**1.1.8** "BNSW Appeals Tribunal" means the person appointed by the Board of BNSW or its delegated authority sitting as a disciplinary tribunal appointed in accordance

**1.1.9** "Offence" means the one or more of the offences in Schedule 1 here of in respect of which a complaint may be made, heard and determined by the relevant disciplinary tribunals in accordance with these By-Laws

**1.1.10** "Charged Person" means an Official, Coach, a Registered Participant in relation to whom a complaint is brought in accordance with these By-Laws alleging the commission of an Offence to be heard by the relevant disciplinary tribunal.

**1.1.11** "A Minor Charged person" means any Charged person less than eighteen (18) years of age. Could be an Official, Coach, a Registered Participant in relation to whom a complaint is brought in accordance with these By-Laws alleging the commission of an Offence to be heard by the relevant disciplinary tribunal.

**1.1.12** "Complainant" means an official who has instituted a complaint in accordance with these By-Laws alleging the commission of an Offence by a Charged person to be heard by the relevant disciplinary tribunal.

**1.1.13** "Period of Suspension" means the period of time for which the relevant Tribunal suspends a charged person pursuant to Article 6.17 and shall be construed as meaning that the charged person cannot during the relevant period:

- a) Play basketball
- b) Referee
- c) Coach during games
- d) Table officiate
- e) Officiate in game statistics

**1.1.14** "Natural person" means a human being as opposed to an artificial person, e.g. a company.

**1.1.15** "Organisation Competition Administrator" means the person delegated by the Organisation for this purpose.



**1.1.16** “Working Business days” means Monday to Friday (inclusive), but excluding public holidays that fall on those days.

**1.2** In the interpretation of this document the following shall apply:

**1.2.1** references to the singular shall include the plural and vice versa;

**1.2.2** references to one gender shall include a reference to other genders;

**1.2.3** Headings are inserted only for convenience and shall not in any way vary or affect the interpretation of the clauses of this document.





## SECTION 2

# RESPONSIBILITIES JURISDICTION OF TRIBUNALS



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## **2. RESPONSIBILITIES OF VARIOUS TRIBUNALS:**

### **2.1.1 Administrative Tribunal**

To decide and determine in accordance with these By-Laws, complaints against a charged person alleged to have committed an offence (s) at competitions conducted under the auspices of

- i. Organisations and
- ii. BNSW

### **2.1.2 Organisation Tribunal**

To hear and determine in accordance with these By-Laws complaints against a Charged Person alleged to have committed an Offence at competitions conducted by an Organisation.

### **2.1.3 BNSW Tribunal**

- a) To hear and determine in accordance with these By-Laws complaints against a Charged person alleged to have committed an Offence at competitions conducted by BNSW.
- b) To hear and determine appeals from decisions of Organisation Tribunals and other appeal tribunals in accordance with these By-Laws

### **2.1.4 BNSW Appeals Tribunal**

To hear and determine appeals from decisions of BNSW Tribunal or any other designated body in accordance with these By-Laws

## **2.2 JURISDICTION AND COMPOSITION OF VARIOUS TRIBUNALS**

### **2.2.1 Organisation Tribunals**

Appointed by Organisations to deal with offences at games conducted by Organisations.

### **2.2.2 BNSW Tribunal**

Appointed by BNSW to deal with offences at State Competitions

### **2.2.3 BNSW Appeals Tribunal**

Appointed by the Board of BNSW or its delegated authority to hear appeals of BNSW Tribunal. and to hear appeals from decisions of Organisation Tribunals.

The decision of the BNSW Appeals Tribunal shall be the final avenue of appeal.



## SECTION 3

# MEMBERSHIP OF TRIBUNALS



### **3. MEMBERSHIP OF TRIBUNALS:**

#### **3.1 Administrative Tribunal**

Shall consist of two members:

- Appointed chairman for the relevant competition or delegated person
- Competition Administrator for the relevant competition
- The Chairman is not to be the Chairman or a Member of a Disciplinary Tribunal should the matter progress to a Disciplinary Tribunal.

#### **3.2 Organisation Tribunal**

**3.2.1** Each year at a meeting following the Annual General Meeting, the Board of Management of the Organisation shall appoint a chairman of their Organisation Tribunal.

**3.2.2** As soon as possible after the Annual Meeting of the respective body, the chairman shall be appointed by the Organisation. No less than a further 3 Members shall then be appointed by the Organisation or Chairman after consultation has taken place regarding the members.

**3.2.3** Members of any Organisation Tribunal shall hold office from the date of their appointment, until the appointment of a new Tribunal, following the next Annual General Meeting of their particular Organisation when they shall retire, but they shall be eligible for re-appointment.

**3.2.4** In the event that the Chairman of any Organisation Tribunal resigns or is dismissed by the Board of Management of any Organisation such as to create a vacancy, a new Chairman is to be appointed within fourteen days by such Board to fill the vacancy.

**3.2.5** In the event that a member of any Organisation Tribunal resigns or is dismissed by its Chairman such as to create a vacancy a new member is to be appointed by such Chairman within fourteen days to fill the vacancy.

**3.2.6** Matters referred to an Organisation Tribunal for determination shall be dealt

with by at least three members of such an Organisation Tribunal.

#### **3.3 BNSW Tribunal**

**3.3.1** Each year at its first meeting immediately following the Annual General Meeting, the NSWBAL Board or its delegated authority shall appoint a Chairman of the BNSW Tribunal.

**3.3.2** Within fourteen days of appointment as chairman, the chairman shall appoint the remaining members of the BNSW Tribunal, which shall number not less than three persons.

**3.3.3** The members of the BNSW Tribunal shall hold office from the date of their appointment until the next Annual General Meeting of the State/Territory when they shall retire but they shall be eligible for re-appointment.

**3.3.4** In the event that the Chairman of the BNSW Tribunal resigns or is dismissed by the Board of BNSW such as to create a vacancy a new Chairman is to be appointed within fourteen days by such Board or its delegated authority to fill the vacancy.

**3.3.5** In the event that a member of the BNSW Tribunal resigns or is dismissed by its Chairman such as to create a vacancy a new member is to be appointed by the Chairman within fourteen days to fill the vacancy.

**3.3.6** Matters referred to the BNSW Tribunal for determination shall be dealt with by a three member BNSW Tribunal. Special circumstances to provide: that where the charged person consents, the Tribunal may proceed with two (2) persons.

**3.3.7** No member of the BNSW Tribunal shall be appointed to hear an appeal from a decision of an Organisation Tribunal if such person was a member of the Organisation Tribunal, which heard the particular matter, which is the subject of the appeal.



### **3.4 BNSW Appeals Tribunal**

**3.4.1** Each year at its first meeting immediately following the Annual General Meeting of BNSWBAL, the Board or its delegated authority shall appoint a Chairman of the BNSW Appeals Tribunal.

**3.4.2** The BNSW Appeals Tribunal shall hear particular matters. It is upon to here from time to time by State/Territory or individuals.

**3.4.3** The Appeals Tribunal shall consist of at least the Chairman but may also include two (2) other members appointed on an ad hoc basis, depending upon the matter being decided.

**3.4.4** No Member of the appeals Tribunal shall be appointed to hear an appeal from a decision of the BNSW Tribunal if such person was a member of the BNSW Tribunal, which heard the particular matter, which is the subject of the appeal.



## SECTION 4

### RESPONSIBILITIES TRIBUNAL PERSONNEL

- Chairman
- Secretary
- Officials of games



**4. RESPONSIBILITIES OF CHAIRMAN OF TRIBUNALS:**

**4.1** The Chairman of each Organisation Tribunal, the BNSW Tribunal, BNSW Appeals Tribunal shall have the following responsibilities:

**4.1.1** To recommend to the Board of Management of their particular organisation the venue, time and day of the week to be set aside for hearings of the particular tribunal of which they have been appointed as chairman.

**4.1.2** To convene meetings of their particular Tribunal to deal with matters referred to it.

**4.1.3** To ensure that three members of their particular Tribunal are present to deal with any matters referred to it for determination.

**4.1.4** To receive and refer to their particular Tribunal all material relating to any,

- (a) complaints against Officials, Registered Participants or;
- (b) appeals lodged in relation to any tribunals

**4.1.5** To ensure accurate records are kept of all hearings of their particular Tribunal.

**4.1.6** To report to the Board of Management of their organisation the results of hearings or appeals as the case may be of their particular Tribunal.

**4.1.7** To chair hearings or appeals as the case may be of their particular Tribunal or to ensure that such task is delegated to a member of their Tribunal.

**4.1.8** To ensure the availability of all forms required to be used in any proceedings of their particular Tribunal.

**4.1.9** To raise with any proposed Tribunal member any potential or possible conflict of interest

**4.2 APPOINTMENT AND RESPONSIBILITY OF SECRETARIES OF TRIBUNALS:**

**4.2.1** The Chairman of each Organisation Tribunal, BNSW Tribunal and the BNSW Appeals Tribunal shall appoint a member of their particular Tribunal who shall have the following responsibilities:

**4.2.2** To keep an accurate record of the proceedings of the Tribunal.

**4.2.3** To cause a transcript of the proceedings of the Tribunal to be made. Refer to Section 8.

**4.2.4** To report details of all complaints which have been established including details of the penalty imposed to NSWBAL



#### **4.3 RESPONSIBILITIES OF OFFICIALS OF GAMES:**

**4.3.1** An official shall be entitled to report any Charged person who in the opinion of any such official has whilst within the precincts of the venue of any basketball competition;

- a) Committed an Offence
- b) Acted in a manner, which is detrimental to the proper and efficient conduct, control or administration of basketball.

**4.3.2** A report of misconduct made pursuant to Clause 4.3.1 shall be prepared in duplicate in the form set forth in Section 8/Schedule 1 hereof, and shall be handed or placed to the person in charge of the game venue within two hours of completion of the basketball game during which the offences is alleged to have been committed; is alleged to have occurred; or prior to leaving the venue if circumstances warrant.

**4.3.3** Upon receipt of a report of misconduct, the person in charge of a basketball game shall hand the copy of such form to the Charged person, but if the Charged person has already left the particular venue or is not readily accessible, then the report set out in Section 8/Schedule 2 hereof shall be sent to him or his home by Registered Mail, within forty eight (48) hours, after the date of the alleged offence or the first working postal day (whichever is the longer period), and pass on the original of such form to the Chairman of the relevant tribunal. The Organisation will receive confirmation via a Delivery Confirmation – Advice Receipted Notice from Australia Post. N.B. It is the obligation of the Organisation to inform the player if this is the case.

**4.3.4** The Charged person who is the subject of a report of misconduct shall be entitled to play, coach, and score or to officiate as the case may be until the appropriate tribunal has heard and determined the complaint.

**4.3.5** Apart from the conduct of appeals in relation to the same organisation, A Tribunal may choose, in its absolute discretion, if it is presented with evidence of un-reasonable cost or dislocation, to conduct any hearing by telephone conference call. If such a decision is made, the Tribunal shall organise for the presence of a neutral official at the distant location to assist the Tribunal in the conduct of the hearing. In all other respects the procedure of the hearing shall be in accordance with these By-Laws

**4.3.6** Reports indicating “no further action” are not acceptable.

**4.3.7** A report is always required for a dismissal.



## SECTION 5

### TRIBUNAL PROCEEDINGS

- i) Domestic Competitions, State/Territory Junior Championships, Junior Leagues, Metropolitan competitions, Country Tournaments, Regional Championships, Social Carnivals, National Championships.
- ii) State/Territory League
- iii) League Competitions
- iv) School Competition



**5.1 DOMESTIC COMPETITIONS, NATIONAL AND STATE JUNIOR CHAMPIONSHIPS, JUNIOR LEAGUES, METROPOLITAN COMPETITIONS COUNTRY TOURNAMENTS, SOCIAL CARNIVAL, REGIONAL CARNIVALS**

**5.1.1** The charged person is reported as set out in Section 4, Clauses 4.3.1, 4.3.2, 4.3.3, 4.3.4.

**5.1.2** The Tribunal hearing is conducted as set out in Section Six (6) of this document.

Please note: State Junior Championships, Junior Leagues (where run on a central venue basis), Country Tournament, Regional Championships, Social Carnivals - the tribunal is to be heard at the venue and as soon as possible after the report is received.

**5.1.3** Where a charged person is the subject of a report of misconduct at State Junior Championships, Junior Leagues that are played Tournament style, e.g.– a tribunal is to be convened at the venue and as soon as possible after the report is received. The event coordinator shall be responsible for constituting a neutral Tribunal if one has not been appointed as per the event rules.

**5.1.4** At weekend or mid week State events where it is not possible to conduct a Tribunal at the venue a Tribunal will be heard by the BNSW Tribunal or delegated authority.

**5.1.5** Events listed 5.1.3, 5.1.4 are recognised State/Territory events and Tribunals conducted on reports are heard by the BNSW Tribunal or delegated authority.

**5.1.6** Appeals from Tribunals conducted in accordance with 5.1.3, 5.1.4 areas are to BNSW Appeals Tribunal.

**5.2. BNSW COMPETITIONS**

**5.2.1** When a disqualifying foul is imposed on any player, coach or official, a report must be submitted on the incident by the referee or game official within two (2)

hours of the completion of the game, or as soon as practicable thereafter, but before the reporting official(s) leave the venue.

The report is to be forwarded with the scoresheet to the appropriate BNSW Officer.

**5.2.2** Any player, coach, official or person associated with any team or Organisation may be reported by an official of an Organisation participating in the Competition/League for actions which would bring the Competition / League or Basketball into disrepute.

**5.2.3** When a person is reported by an official, it is the responsibility of the Host Organisation Supervisor to ensure that the Charged Person or his organisation are presented with a copy of the charge sheet. The Host Organisation is required to contact the BNSW office by phone or fax with the details of the charge as soon as possible.

**5.2.4** Officials may not at the conclusion of the match where a person has been reported, mark the Report Form “No Further Action Required”. The reporting Official shall complete the Report Form and hand it to the appropriate authority.

**5.2.5** If the Charged person is not available for service of the report within 2 hours of the completion of the game, a copy of the report shall be made available to a representative of the Organisation whom the Charged person represents within 48 hours of the completion of the game. Presentation to the representative shall be deemed as service upon the charged person.

**5.2.6** Any penalty imposed by the Tribunal is subject to appeal to the BNSW Appeals Tribunal provided that the correct Appeals procedure is followed.

**5.2.7** Suspension by the Tribunal may be imposed in games and/or weeks.

**5.2.8** A suspended person cannot participate at any level of basketball as set in these By-Laws.



**5.2.9** Where a person is suspended, notification to the player and/or his Organisation, whether it be by the authorised officer of BNSW or his delegated person, it is deemed as official whether it be verbal or in writing.

**5.2.10** Organisations who fail to abide by this decision and allow the offender to remain active, shall together with the offender concerned be subject to immediate action by the BNSW Tribunal.

**5.2.11** Any player, coach, official or person associated with any team or Organisation who has been reported in accordance with the above regulations may be subject to the Disciplinary Tribunal Rules and procedures of BNSW By-Laws.

### **5.3 LEAGUE COMPETITION**

**5.3.1** Any competitions conducted by BNSW or designated body where applicable are subject to these Tribunal By-Laws.

**5.3.2** If the charged person appeals, the appeal will be heard by the BNSW Appeals Tribunal. The matter will be dealt with as set out in Section Seven (7) of these By-Laws.

### **5.4 NSW SECONDARY SCHOOLS COMPETITIONS**

School competitions conducted under the control of the NSW Schools Association or its individual members, and/or organisations shall be subjected to these By-Laws.

**5.4.1** Penalties imposed on persons in these competitions shall be recognised by BNSW.

**5.4.2** Penalties imposed by Organisations, Regions, or BNSW on persons playing in school competitions will likewise be recognised.

**5.4.3** In all cases Tribunals conducted by the NSW Schools Association are required to adhere to these By-Laws.

**5.4.4** All persons affected by penalties shall have the same right of appeal as set out in these By-Laws with the first line appeal to the NSW Schools Appeals Tribunal.

**5.4.5** The next line of appeal is the NSW Appeals Tribunal.

**5.4.6** These rules do not cover primary school activities.



## SECTION 6

# TRIBUNAL PROCEDURES AND HEARINGS



# TRIBUNAL PATHWAYS

OFFENCE OCCURS AT	HEARD BY	APPEAL TO
1) Domestic Competitions, Social Carnivals	Local Organisations Tribunal	Member Tribunal ↓ BNSW Tribunal
2) Regional Competitions	Member Tribunal	BNSW Tribunal ↓ BNSW Appeals Tribunal
3) State Competitions State Leagues Junior/Senior State Junior Championships Country Cup State Schools 15 Years	Appointed Competitions Tribunal	BNSW Tribunal or Delegated Authority ↓ BNSW Tribunal
4) NSW Secondary Schools Competitions	Schools Tribunal	Schools Appeals Tribunal ↓ BNSW Tribunal
5) NSW Wheelchair Competitions	Appointed Wheelchair Tribunal	Wheelchair Appeals Tribunal ↓ BNSW Tribunal



## 6. TRIBUNAL HEARINGS:

Hearings at first instance conducted by an Organisation Tribunal and the BNSW Tribunal can be conducted depending on the category of the offence the participant is cited with.

Not for Further Action (NFA) by officials is not acceptable. Disqualified persons must be reported.

There are two types of Tribunal Hearings:  
Administrative Tribunals  
Disciplinary Tribunals

### 6.1 Administrative Tribunals – see Schedule One (For Outline of Administrative Penalties Regime)

#### 6.1.1

- a) Only involve offences with maximum penalties ten weeks or less.
- b) Cannot be used for minors
- c) Can only be used for persons who have not been found guilty of any offence under these Disciplinary By-Laws within the last twelve- (12) months prior to the date of being cited for offences.

**6.1.2** The Administrative tribunal shall consist of two (2) persons

- a) Appointed chairman for the relevant competition or delegated person. The chairman is not to be the chairman or a member of a Disciplinary Tribunal should the matter progress to a Disciplinary Tribunal.
- b) Competition Administrator for the relevant competition.

**6.1.3** The Administrative Tribunal can only deal with ten- (10) week or less offences.

It cannot be used if: -

6.1.1 (b) occurs

6.1.1 (c) cannot be applied

The charge sheet also involves Category B.

### 6.2 The Process

**6.2.1** The player is charged by an official using a ten week or less offence

**6.2.1** The reporting official is required to follow the procedures set out in

5.2.1

5.2.2

5.2.3 in respect of the charge sheet and the charged person.

**6.2.3** The Administrative Tribunal shall meet as soon as possible but no later than five (5) days after a report is received.

**6.2.4** When the Administrative Tribunal convenes it shall review the charge report and decide if the A Category charges are applicable.

If the charges are considered applicable and the case is made, the Tribunal will determine the penalty in respect of the charges.

N.B The Tribunal has the power to upgrade or downgrade the charges.

**6.2.5** The charged person is then to be advised of the determined penalty and also of the maximum penalty.

**6.2.6** The charged person has five (5) working business days to accept or reject the penalty.

**6.2.7** If the charged person fails to respond within seven (7) working business days the determined penalty shall stand. This allows a period for the charged person to notify Organisation of decision.

**6.2.8** If the charged person accepts the determined penalty, the suspension shall commence immediately and shall end at midnight on the day calculated by the Administrative Tribunal.

**6.2.9** If the charged person fails to respond within seven (7) working days the determined penalty shall be deemed to have been accepted and shall be calculated from the fifth (5) working business day and conclude at midnight on the day calculated by the Administrative Tribunal.

**6.2.10** When a determined penalty is accepted or imposed, the offender shall be notified in writing of the penalty and the suspension period.



**6.2.11** There are no appeals for an Administrative Tribunal decision by either the charged person or the reporting official.

**6.2.12** If the charged person rejects the Administrative Tribunal penalty, notice must be given to the Organisation Secretary, within five (5) working business days, thus causing the matter to go before a Disciplinary Tribunal (the members of who have not been involved in the Administrative Tribunal)

### **6.3 Disciplinary Tribunals – see schedule one**

#### **6.3.1** Areas of Concern

- Persons charged with offences under Category A and/or B.
- Persons charged with offences under Category A who elected for a Disciplinary Tribunal
- Persons charged with offences in Category A and/or B who are a minor
- Hearing appeals from decisions made by BNSW in regard to a disqualification issued under a specific competition policy or guideline

**6.3.2** The following persons shall be entitled to be in attendance:

- a) Members of the relevant tribunal
- b) The Charged person
- c) The Complainant;
- d) Witnesses to be called to give evidence by either the charged person or the Complainant
- e) In the case of a Minor Charged person, an adult who shall be entitled to represent the Minor Charged person
- f) Any other person summoned by the relevant tribunal hearing the complaint and
- g) Any legal representative or advocate of the charged person and or Complainant

### **6.4 The Chairman of the tribunal shall:**

**6.4.1** Identify the members of the tribunal;

**6.4.2** Establish that the charged person is present to answer the Charged against him/her.

**6.4.3** Raise with Members of the Tribunal in the presence of all interested parties as set out in 6.1 where a conflict of interest by any participant in the Tribunal panel and then determine any such allegation.

**6.4.4** Give the charged person or complainant the opportunity to object to any Tribunal Member, on the grounds of bias or perceived bias and then determine any such objection.

**6.4.5** Inform the Charged person and the complainant that they are entitled to remain in the hearing until all evidence is presented but not entitled to be present whilst the tribunal considers its findings and determines his appropriate penalty (if any)

**6.4.6** To advise all participants at the commencement of the proceedings before their particular Tribunal of the method of recording the hearing.

**6.4.7** read the complaint;

**6.4.8** Ask the charged person whether the allegations in the complaint are admitted or denied.

**6.5** If the allegations in the complaint are admitted, the Chairman may read a short summary of the facts, admit the referee's evidence (written/verbal) and no witnesses need be called to give evidence, or allow all witnesses to give evidence and both the Charged person and complainant may question witnesses.

**6.6** If the allegations are denied then the Chairman shall ask all witnesses except the Complainant and the Charged person or Minor Charged person as the case may be and his representative to leave the room and to wait to be called to give their

evidence. N.B The charged person and an acting Official remain in the Tribunal while evidence is being given.

- 6.7** The Chairman of the tribunal will then call upon the Complainant and any witnesses of the Complainant to give his evidence in turn. The Charged person shall be entitled to question each witness called. On completion of such evidence the charged person shall be advised by the Chairman of their entitlement to make an initial statement.
- 6.8** After each witness has given evidence such witness shall be asked to leave the room.
- 6.9** The Chairman shall then permit the charged person to adduce any additional evidence by way of witnesses or to make a statement in his defense. The Complainant shall be entitled to question each witness called by the charged person.
- 6.10** The Chairman of the tribunal shall afford members of the tribunal the opportunity to ask questions of any witnesses called at the hearing.
- 6.11** At the conclusion of all of the evidence and of addresses the Chairman then asks the charged person and the Complainant to leave the room while the tribunal considers its findings.
- 6.11.1** In the event that a Charged person in relation to whom a complaint has been made fails to appear without reasonable cause the hearing may proceed and a determination may be made by the tribunal in the absence of the charged person.
- 6.11.2** In the event that a Complainant fails to appear without reasonable cause the hearing may proceed and a determination may be made in his absence. A report shall be lodged with the executive of the Board of Management of such Complainant's Organisation.
- 6.12** If the tribunal is not satisfied that the particular complaint has been proved but is satisfied that a lesser complaint has been established then the tribunal may find such lesser complaint established and shall

apply the penalty applicable to such lesser charge.

- 6.13** In arriving at a decision as to whether a complaint has been established the tribunal must be satisfied on the balance of probabilities that the particular misconduct has occurred. It is not necessary for the tribunal to be satisfied "beyond all reasonable doubt that the incident occurred" before arriving at a finding that the complaint has been established. Refer to Case Notes - Balance of Probability. (Question 10, Section 9).
- 6.14** If the tribunal is not satisfied that a complaint has been established it shall dismiss such complaint.
- 6.15** If a complaint has been found established by the tribunal the charged person shall be informed of the determination. Any previous established complaints against the charged person should then be laid before the tribunal.
- 6.16** The Charged person should then be given the right to make a final statement in relation to previous established complaints or other mitigating circumstances before being asked to leave the room a second time.
- 6.17** The tribunal shall then determine the penalty (if any) and recalls the charged person to advise of the penalty.
- 6.18** The tribunal may either:
- 6.18.1** (a) Impose a penalty consisting of a period of suspension or;
- (b) Alternatively record that the complaint has been established but having regard to the nature of the complaint and/or the prior good conduct of the subject Charged person not impose a penalty;
- 6.18.2** The penalties imposed by the tribunal for particular Offence shall not exceed those set on the reverse of Schedules 1 or 2.



**6.18.3** Any suspension shall be calculated in weeks or years and/or a number of matches played or to be played in any competition organised by a Local Basketball Organisation, a Regional Basketball Organisation or the State/Territory or National League during the duration of the suspension whichever is the greater.

**6.18.4** A tribunal shall not impose a suspended sentence.

**6.18.5** A tribunal shall take into account the prior established Offences of the charged person when assessing the severity of the penalty.

**6.18.6** Where the Charged person is found guilty of more than one offence, it is procedure that the penalties are served concurrently, with the most severe penalty being the maximum time suspended. However, Tribunals do have the prerogative to vary from this procedure.

**6.19** After a penalty has been imposed the tribunal Chairman shall inform the Complainant and the charged person of their right of appeal including;

**6.19.1** The time and date by which the appeal must be lodged

**6.19.2** The place of lodgement of the appeal.

**6.19.3** The results of the Tribunal are sent to BNSW



## SECTION 7

## APPEALS



## 7. APPEALS:

Appeals conducted by an Organisation Tribunal, the BNSW Tribunal and the BNSW Appeals Tribunal shall be conducted on the following basis (appeals are made to the next highest authority after the initial Tribunal):

### 7.1 An appeal made by:

**7.1.1** A Charged person who has had an Offence established against him may be on all grounds or to contest the severity of the penalty only, and

**7.1.2** A complainant only on the basis that the penalty imposed on a Charged person by a relevant tribunal was too lenient.

**7.1.3** A person disqualified under a competition policy or guideline issued for their guidance.

**7.2** Any appeal lodged to a relevant tribunal shall be made in writing (typed wherever possible) and shall be known as the Notice of Appeal and shall be in the form set forth in Schedule 6 hereof.

**7.3** Any appeal shall be lodged with the relevant tribunal to which the appeal is being brought within fourteen (14) days of the decision appealed against.

**7.4** Appeals shall be processed as expeditiously as possible.

**7.5** Upon receipt of any appeal the Chairman of the relevant tribunal shall:

- (a) Check that the appeal complies with the rules concerning time of lodgement and completeness of information provided.
- (b) Arrange for a copy of the transcript of the previous hearing to be obtained.

**7.6** An appellant lodging an appeal against the findings of a tribunal must establish in the Notice of Appeal that they have been treated unjustly or unfairly. Reasons for this can be many and varied but some typical reasons for appeal are:

**7.6.1** Not being correctly informed of the hearing before the tribunal whose decision is the subject of the appeal

**7.6.2** Prejudice by any member of the tribunal whose decision is the subject of the appeal;

**7.6.3** Incorrect procedures used by the tribunal whose decision is the subject of the appeal;

**7.6.4** New evidence which was not available at the time of the hearing by the tribunal whose decision is the subject of the appeal.

**7.6.5** Incorrect information presented to Tribunal.

**7.7** The relevant Appeals Chairman before whom the appeal is sought to be heard shall check the transcript of evidence and any other documents filed with it to determine whether in its view grounds for the appeal such as to warrant a full hearing of the appeal. The relevant tribunal shall have absolute discretion to decide whether to hear an appeal and in the event that it declines so to do it shall not be obliged to assign any reasons for such refusal.

**7.8** If a relevant tribunal decides to hear an appeal then the Chairman of such tribunal shall;

- (a) Make arrangements for the hearing of the appeal;
- (b) Notify all parties concerned of the time, date and place of the hearing;
- (c) No fee is charged to hear an appeal but the applicant is responsible for all appeal costs, e.g. transport of witness, room hire, etc.)

**7.9** The tribunal hearing the appeal may request further information prior to determining the appeal but has the discretion whether to allow new evidence to be adduced.

**7.10** In a tribunal hearing, the appeal should confine its deliberations specifically to the



matters raised in the appeal but has the discretion whether to allow new evidence to be adduced.

**7.11** The tribunal hearing the appeal shall have the authority to stay any order of a tribunal whose decision is being appealed and to re-instate an appellant pending the determination of the appeal.

**7.12** The following persons shall be entitled to be in attendance at an appeal:

**7.12.1** Members of the relevant tribunal;

**7.12.2** The Charged person (or their representatives);

**7.12.3** The Complainant;

**7.12.4** Witnesses, if any, to be called to give evidence;

**7.12.5** In the case of a Minor charged person that person shall be entitled to be accompanied by an adult;

**7.12.6** Any other person summoned by the tribunal hearing the appeal;

**7.12.7** Legal representatives of either the Charged person or the Complainant.

**7.13** In considering the evidence before it a tribunal hearing an appeal shall not set aside a determination of a tribunal which is the subject of the appeal on technical or procedural grounds but shall do so only if there has been a substantive error made.

**7.14** At the hearing of the appeal the tribunal hearing the appeal shall determine the appeal on the basis of;

**7.14.1** Transcript of the proceedings of the hearing before the tribunal whose decision is the subject of the appeal;

**7.14.2** The material contained in the Notice of Appeal;

**7.14.3** New evidence, if any, heard by it;

**7.14.4** Oral submissions, if any, made on behalf of the Charged person and the Complainant.

**7.15** In the event that new evidence is sought to be adduced on behalf of the Charged person or the Complainant then tribunal hearing the appeal shall first determine whether such evidence should be permitted.

**7.16** In the event that new evidence is permitted by the tribunal hearing the appeal then such tribunal shall follow the procedure for taking evidence as outlined in clauses 6.4 to 6.10 inclusive.

**7.17** A tribunal hearing an appeal shall have the power to;

**7.17.1** Confirm the decision of the previous tribunal hearing;

**7.17.2** Waive, increase or decrease penalties awarded by previous tribunal hearings;

**7.17.3** Conduct a new tribunal hearing itself upon the appeal and quash the findings of the previous tribunal hearing;

**7.17.4** Make orders that either the Complainant or the charged person pay the costs and expenses of the conduct of appeal.

**7.18** After the finalisation of an appeal the Chairman of the tribunal hearing the appeal shall inform the Charged person and the Complainant of their right of further appeal including;

**7.18.1** That the appeal must be lodged within fourteen days and,

**7.18.2** The place of lodgment of the appeal.



## **SECTION 8**

### **SCHEDULES**

1. Official Report Form
2. Game Report Confirmation Form
3. Record of Tribunal Hearing Forms
4. Tribunal Chairman's Checklist
5. Notice of findings of Tribunal
6. Notice of Appeal / Grounds





**SCHEDULE 1  
OFFICIALS REPORT FORM**

This form is to be used by the game official or Organisation Official when Tribunal Action should be taken against a player or team or any registered member. It does not remove the responsibility of Referees to note disqualification and reports on the scoresheet, and subsequent action as directed by the Competition/Organisation Rules.

DATE OF GAME: \_\_\_\_/\_\_\_\_/\_\_\_\_ VENUE: \_\_\_\_\_ TIME: \_\_\_\_\_

TEAMS INVOLVED: \_\_\_\_\_ v \_\_\_\_\_ MEN / WOMEN

NAME AND NUMBER OF REPORTED PERSON: \_\_\_\_\_

GAME NUMBER: \_\_\_\_\_

TEAM: \_\_\_\_\_

OFFICIAL MAKING REPORT: \_\_\_\_\_

SUPPORTING OFFICIAL: \_\_\_\_\_

CHARGE (refer to back of sheet): \_\_\_\_\_

DETAILS OF CHARGE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Reporting Official)

This form must be completed in duplicate and both copies given to the Supervisor/Secretary for distribution. The forms will then be administered as set out in the Tribunal and Disciplinary By Laws.



# Offences and Penalties

## Notes

1. There are two groups of charges and penalties:  
Group A – relate to charges against participants but not involving an official  
Group B – relate to charges against participants involving officials
  2. Administrative Tribunals  
Are to be used for the summary dealing with Minor Offences i.e. offences with maximum penalties of ten (10) or less weeks.
  3. Disciplinary Tribunals  
Are to be used where the penalties for the offences are more than 10-weeks
- 
1. Disputing decisions – a maximum of six (6) weeks
  2. Unsportsmanlike behaviour – a maximum of six (6) weeks
  3. Code of conduct breach relating to a player, referee or official – a maximum of six (6) weeks
  4. Attempting to trip:  
A – Maximum ten (10) weeks  
B – Maximum twenty (20) weeks
  5. Tripping  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
  6. Obscene gestures  
A – maximum of ten (10) weeks  
B – maximum of twenty (20) weeks
  7. Offensive language (which may include abusive, obscene or insulting language)  
A – maximum ten (10) weeks  
B – maximum of twenty (20) weeks
  8. Attempting to strike  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
  9. Striking (fist, hand, object, head)  
A – maximum fifty two (52) weeks  
B – life
  10. Conduct which brings the game of Basketball into disrepute - A maximum of twenty (20) weeks
  11. Failure to attend Tribunal without proper cause when notified  
A maximum of twenty (20) weeks
  12. Failure to co-operate in, or hindering an investigation or hearing under these by-laws.  
A maximum of twenty (20) weeks
  13. Attempting to elbow  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
  14. Elbowing  
A – maximum twenty (20) weeks  
B – life
  15. Fighting  
A – Two or more players involved a maximum of twenty (20) weeks.
  16. Attempting to kick  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
  17. Kicking  
A – maximum of twenty (20) weeks  
B – life
  18. Spitting  
A - maximum of twenty (20) weeks  
B – maximum of fifty two (52) weeks
  19. Moving under an air borne player (tunneling)  
A - maximum of one hundred and four (104) weeks
  20. Putting a person in fear of impending violence  
A - maximum of fifty two (52) weeks  
B – maximum of one hundred and four (104) weeks
  21. Coaching, Refereeing, playing, scorebench duties while under suspension  
A - minimum of two (2) weeks, maximum five (5) weeks per game plus the suspension period
  22. Deliberately endangering the safety, health, of the players, spectators, officials (incidents involving blood/body fluids)  
Maximum penalty life



## SCHEDULE 2 GAME REPORT CONFIRMATION FORM

TO \_\_\_\_\_

(PLAYER)

(NUMBER) \_\_\_\_\_ **Basketball Team** \_\_\_\_\_ **REGISTRATION NUMBER:** \_\_\_\_\_

You have been charged with:

1 Category \_\_\_\_\_

2 Category \_\_\_\_\_

3 Category \_\_\_\_\_

4 Category \_\_\_\_\_

5 Category \_\_\_\_\_

### **Category 'A' Offences Only** – Do not involve Disciplinary Tribunals

The procedure is as follows: -

1. A Committee of two persons (Chairman Competition Manager) review report and decide if Category A charges are applicable.
2. If it is decided that category A charges are applicable, a penalty shall be determined. **NB** The Tribunal has the power to upgrade/downgrade charges.
3. Charged person shall be advised of the penalty and also of the maximum penalty. (see schedule over side of this form)
4. Charged person has five (5) working business days to accept or reject the penalty.
5. If accepted, the penalty shall commence immediately.
6. If the charged person fails to respond within seven (7) working business days, the determined penalty shall stand and the penalty will be calculated from the fifth (5) working business day and conclude at midnight on the date calculated by the Tribunal persons.
7. There are no appeals by the charged or reporting persons against an Administrative Tribunal decision.
8. If the charged person rejects the Administrative Tribunal penalty, notice must be given to the conducting body within five (5) working business days, thus causing the matter to go before a Disciplinary Tribunal.
9. **NB** If the charges above include A and B charges, the charges will be heard by a Disciplinary Tribunal.

### **If Category A and/or B offences or if Charged person requests a tribunal hearing**

Persons charged with an offence under category B must appear before a tribunal hearing and **are eligible to play** until such hearing is held. Maximum penalty schedule is on the back of this sheet.

The competition manager will arrange a time and date for the tribunal hearing (about 7 days hence) by discussing the matter with the tribunal chairman.

Failure to attend this meeting will result in you being suspended from all basketball activities until you do appear before the tribunal. If you are under the age of 18 years you are entitled to be accompanied by an adult. Legal representation or advocates are permitted \_\_\_\_\_

Signature of competition delegate \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_ Venue \_\_\_\_\_

Match concerned \_\_\_\_\_ v \_\_\_\_\_



# Offences and Penalties

## Notes

1. There are two groups of charges and penalties:  
Group A – relate to charges against participants but not involving an official  
Group B – relate to charges against participants involving officials
  2. Administrative Tribunals  
Are to be used for the summary dealing of minor offences i.e. offences with maximum penalties of ten (10) or less weeks.
  3. Disciplinary Tribunals  
Are to be used where the penalty for the offence is more than 10-weeks.
- 
1. Disputing decisions – a maximum of six (6) weeks
  2. Unsportsmanlike behaviour – a maximum of six (6) weeks
  3. Code of conduct breach relating to a player, referee or official – a maximum of six (6) weeks
  4. Attempting to trip:  
A – Maximum ten (10) weeks  
B – Maximum twenty (20) weeks
  5. Tripping  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
  6. Obscene gestures  
A – maximum of ten (10) weeks  
B – maximum of twenty (20) weeks
  7. Offensive language (which may include abusive, obscene or insulting language)  
A – maximum ten (10) weeks  
B – maximum of twenty (20) weeks
  8. Attempting to strike  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
  9. Striking (fist, hand, object, head)  
A – maximum fifty two (52) weeks  
B – life
  10. Conduct which brings the game of Basketball into disrepute A maximum of twenty (20) weeks
  11. Failure to attend Tribunal without proper cause when notified  
A maximum of twenty (20) weeks
  12. Failure to co-operate in, or hindering an investigation or hearing under these by-laws.  
A maximum of twenty (20) weeks
  13. Attempting to elbow  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
  14. Elbowing  
A – maximum twenty (20) weeks  
B – life
  15. Fighting  
A - Two or more players involved, a maximum of twenty (20) weeks.
  16. Attempting to kick  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
  17. Kicking  
A – maximum of twenty (20) weeks  
B – life
  18. Spitting  
A - maximum of twenty (20) weeks  
B – maximum of fifty two (52) weeks
  19. Moving under an airborne player (tunnelling)  
A - maximum of one hundred and four (104) weeks
  20. Putting a person in fear of impending violence  
A - maximum of fifty two (52) weeks  
B – maximum of one hundred and four (104) weeks
  21. Coaching, Refereeing, playing, scorebench duties while under suspension  
A - minimum of two (2) weeks, maximum five (5) weeks per game plus the suspension period
  22. Deliberately endangering the safety, health, of the players, spectators, officials (incidents involving blood/body fluids)  
Maximum penalty life



**SCHEDULE 3**

**TRIBUNAL HEARING RESULT FORM**

PLACE: \_\_\_\_\_ DATE: \_\_\_\_\_

COMMITTEE: Chairperson: \_\_\_\_\_  
Members: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHARGE SHEET ATTACHED: YES / NO

PERSON CHARGED: \_\_\_\_\_ TEAM: \_\_\_\_\_

DATE OF BIRTH: ..../...../.... REGISTRATION NUMBER: \_\_\_\_\_

OFFICIAL OR PERSON MAKING CHARGE: \_\_\_\_\_

Any other official assisting: \_\_\_\_\_

WITNESSES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROCEDURE:**

- 1) Tribunal committee identified: \_\_\_\_\_
- 2) Charged person informed of his / her rights: \_\_\_\_\_
- 3) Charge read and person asked if it is understood (witnesses present): \_\_\_\_\_  
\_\_\_\_\_
- 4) Charge against person: \_\_\_\_\_  
\_\_\_\_\_
- 5) Person asked how he / she pleads: \_\_\_\_\_  
\_\_\_\_\_
- 6) Witness/es asked to leave the room: \_\_\_\_\_
- 7) Referee or Official questioned re charge: \_\_\_\_\_



(charged person may ask questions): \_\_\_\_\_

8) Complainant Witness/es return to meeting one at a time and allowed to give uninterrupted view of incident. (Charged person entitled to question each witness, and can make an initial statement).

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9) Person charged asked for statement:

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10) Charged person was advised they could adduce any additional evidence or make a statement in their defence.

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11) All leave the room (except Committee) \_\_\_\_\_



12) Committee's deliberations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13) TRIBUNAL FINDING: (Strike out finding not applicable):

Guilty as Charged: \_\_\_\_\_

Not Guilty: \_\_\_\_\_

Guilty of alternate charge – give details: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

14) Charge person given the right to make a final statement in relation to previous established complaints or other mitigating circumstances:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15) Tribunal deliberated to determine penalty

Penalty: \_\_\_\_\_  
\_\_\_\_\_

If a suspension is imposed, state the first date the person may participate again in basketball  
\_\_\_\_ / \_\_\_\_ / \_\_\_\_.

16) Charged person advised of the following appeal details:

Appeal may be made to: \_\_\_\_\_  
\_\_\_\_\_

Written appeal to be received within 14 days in writing, stating your grounds of appeal stating whether the commission of the offence is disputed or merely the penalty imposed.

(Date) \_\_\_\_\_ CHAIRPERSON: \_\_\_\_\_





## **New South Wales Basketball Ltd**

### **SCHEDULE 4**

#### **Tribunal Chairperson's Checklist**

- ❑ Introduce the Tribunal members
- ❑ Ask the reported person if there is any objection to any of the Tribunal members sitting
- ❑ If there is objection to a Tribunal member hear and rule on the argument
- ❑ Read the charges in the presences of all persons
- ❑ Ask the Charged person if the charges are understood
- ❑ Ask the reporting official if the charges reflect their intention
- ❑ Take the charged person's plea
- ❑ If a team is reported, ask if there is a spokesperson
- ❑ Exclude all witnesses until they give their evidence but charged person and reporting official remain until all evidence is heard
- ❑ Exclude all persons while deliberating
- ❑ Invite all persons in for decision





**N.S.W. BASKETBALL ASSOCIATION LTD.  
SCHEDULE 5**

**NOTICE OF FINDINGS OF TRIBUNAL**

Name : \_\_\_\_\_ DOB: ...../ ...../ .....

Organisation : \_\_\_\_\_ Registration Number: \_\_\_\_\_

Date of Tribunal : \_\_\_/\_\_\_/\_\_\_

You are hereby notified that the Tribunal has considered all the facts in connection with the charge made against you at the \_\_\_\_\_ on ..... / ..... / ..... in the match between \_\_\_\_\_ and \_\_\_\_\_, and have reached the following decision:

The findings are as follows:

Charge No. 1	_____	Guilty / Not Guilty
Charge No. 2	_____	Guilty / Not Guilty
Charge No. 3	_____	Guilty / Not Guilty
Charge No. 4	_____	Guilty / Not Guilty
Charge No. 5	_____	Guilty / Not Guilty

The Tribunal has decided that you shall be suspended for a period of \_\_\_\_\_ weeks/years.

This suspension shall be completed at midnight on..... / ..... / ..... , and will you will remain suspended from all basketball game activities during this period.

Under By-Laws, Section 7, you have the right to appeal to the next highest authority (if applicable).

\_\_\_\_\_  
(Tribunal Chairman)  
..... / ..... / .....

Tribunal Members: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

cc: NSWBAL, Organisation, Reporting Official





SCHEDULE 6

NOTICE OF APPEAL

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

PHONE: (Work) ( ) \_\_\_\_\_

(Home) ( ) \_\_\_\_\_

(Fax) ( ) \_\_\_\_\_

REGISTRATION NO. \_\_\_\_\_ EXPIRY DATE \_\_\_\_\_

TRIBUNAL HEARING AT \_\_\_\_\_

DATE \_\_\_\_\_

GROUNDS OF APPEAL \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Appellant's Signature)

This form must have detailed grounds of appeal as set out in Section 7 of the By-Laws. Example of grounds of appeal is listed over the page.



**7.12** An appellant lodging an appeal against the findings of a Tribunal must establish in the Notice of Appeal that they have been treated unjustly or unfairly. Reasons for this can be many and varied but some typical reasons for appeal are:

**7.12.1** Not being correctly informed of the hearing before the Tribunal whose decision is the subject of the appeal.

**7.12.2** Prejudice by any member of the Tribunal whose decision is the subject of the appeal.

**7.12.3** Incorrect procedures used by the Tribunal whose decision is the subject of the appeal.

**7.12.4** New evidence, which was not available at the time of the hearing by the Tribunal whose decision, is the subject of the appeal.

**7.12.5** Incorrect information presented to original Tribunal.

**7.12.6** Over penalised in accordance with Disciplinary tribunal Rules Schedule 3.

**7.12.7** Incorrectly formed Tribunal Committee





## SECTION 9

## CASE STUDIES



43



**EXPLANATORY DOCUMENT WITH RESPECT  
TO THE DISCIPLINARY TRIBUNAL'S BY-LAWS  
(as adopted by Basketball Australia, State /  
Territories and BNSW)**

**INTRODUCTION**

The following questions and answers are to clarify certain matters contained in the Tribunal By-Laws adopted by the BA, States, Territories, State/Territories, and national leagues

It is strongly recommended that Tribunal personnel make themselves fully conversant with the new By-Laws.

**CLARIFICATION MATTERS**

**Q.1 What type of incidents do these By-Laws refer to?**

**A.** Generally speaking they apply to on-court incidents and to incidents that refer to a particular Conduct charge, invariably that incident could be dealt with under the Organisation's constitution.

**Q.2 If a player receives a disqualifying foul, does he automatically appear before a Tribunal?**

**A.** No. The official should record the incident on the back of the score sheet or reporting form and the matter dealt with in accordance with these rules

**Q.3 How much notice should be given to a person before they have to appear before a Tribunal?**

**A.** No less than 24 hours. Although not specified in the By-Laws, the 24-hour period is considered sufficient for a charged person to prepare a defence. Any period less than 24 hours could be construed as reasonable grounds for an appeal. N.B At special fixtures e.g. Carnival Tribunals

**Q.4 It is noted that the charged person can now call as many witnesses as they like. What is the reason for this change?**

**A.** The charged person has to be given rights of natural justice.

**Q.5 Can a Court Supervisor charge a player?**

**A.** Yes. Refer to item 1.1.5.

**Q.6 Article 4.1.5 requires accurate records to be kept of tribunal hearings. Does this mean we have to hire stenographers just like in a Court of Law?**

**A.** Not necessarily. It will be necessary to keep a written record of details of the charge, date, time and place of the Tribunal, Tribunal members, a list of those in attendance, including witnesses called by both parties and the names of legal representatives advocates (if any) and the penalty (if any) imposed by the Tribunal.

In so far as evidence by witnesses and statements by the complainant are concerned, a tape recording should be made of those statements. The tape must be retained until the period of appeal has expired (14 days). If an appeal is lodged a typed transcript of the tape may be necessary. (See sample reporting forms Section 10).

**Q.7 Why is it necessary to send reports of all Tribunal hearings to BNSW**

**A.** So that a centralised recording system can be put in place. When a person is to appear before a Tribunal BNSW records should be checked to see if the person cited has appeared before and if so, those matters can be considered when imposing penalties for any second or subsequent "convictions".

**Q.8 Legal representatives or advocates are now allowed. Why?**

**A.** Unless a charged person is given a right to properly defend themselves, we could find ourselves the subject of litigation in the open Courts. This scenario becomes even more likely as more and more people rely on Basketball as a source of income.

**Q.9 When witnesses are being monitored, do the questions have to be directed through the Chair?**

**A.** No. Questions may be asked direct to the witnesses, but the Chairman should keep control of matters by ensuring that the questions are pertinent



to the issue and as to the manner in which the questions are put.

**Q.10 What does the term "Balance of Probabilities" mean? (article 6.12).**

**A.** "Balance of probability" is to be applied in determining the outcome of evidence to produce a decision at a Tribunal. Tribunal Chairmen are asked to note that the By-Laws themselves say that the burden of proof is to be on the basis of the balance of probabilities. This is a far lesser standard of proof for the complainant to prove than is the criminal standard of beyond reasonable doubt.

Put in colloquial terms, if after hearing all the evidence, the Tribunal decides that the complainant has on balance, tipped the scales slightly in his favour, then the complaint is established.

Conversely, if the scales are slightly tipped in favour of the Charged person, then the complaint has not been established.

**Q.11 Why are suspended sentences not allowed?**

**A.** i) Opponents may use this probability as a provoking technique on the opponent.  
ii) The transient nature of players especially in the cities where they may play in several Organisations.

iii) How is it fairly applied?

**Q.12 It is noted that there are now no longer any minimum penalties, yet the maximum penalties may have been increased, why is that?**

**A.** There have been occasions where even the minimum suggested penalty was excessive given the circumstances, which existed in specific cases. By deleting the minimums, Tribunals now have the opportunity to enter a "conviction", but not impose a penalty, or not impose a penalty but give a warning, right through to the maximum period permissible.

**Q.13 What is the reason behind penalties being calculated in weeks and years and/or numbers of games played?**

**A.** Circumstances have arisen whereby for example, the maximum penalty for an offence was 4 weeks. The incident occurred in a Grand Final and the organisation did not have another competition organised for a month or so. The 4-week suspension in this case became a non-event.

Organisations now have the right to calculate a penalty of weeks, years or games, whichever is the greater.

Tribunals should when imposing a penalty specify the date the penalty expires (at midnight).

**Q.14 If an official who made the original complaint considers that the penalty was not severe enough can that official lodge an appeal against the leniency of the sentence?**

**A.** Yes. See article 7.1.12. Leniency of sentence is the only grounds a complainant can appeal on in disciplinary tribunal matters only.

**Q.15 When a person lodges an appeal is it automatic that the appeal will proceed?**

**A.** No. To ensure that appeals are not lodged on totally frivolous grounds or without justification for an appeal other than "I may as well have a go", the particular Tribunal which may be hearing the appeal can determine whether in its view grounds do exist for a full hearing of the appeal. If they decline an appeal they do not have to give reasons for so doing.

**Q.16 Can a player resume playing pending the outcome of the appeal?**

**A.** Not necessarily. (See article 7.11). The Tribunal has the power of discretion on this issue.

**Q.17 If there are any costs incurred in the conduct of an appeal hearing, such as travel costs for witnesses, who pays those costs?**

**A.** That is at the discretion of the appeal Tribunal. Costs of travel, room hire and meal expenses for Tribunal members may be charged to the appellant.



**Q.18 How many steps of appeal does a charged person have?**

**A. (a)** If the charged person was found guilty by a local basketball organisation he has the right to appeal to his member and if that is not successful then to the State/Territory Tribunal or leagues appeal tribunal

**(b)** If the incident occurred at regional level the first step of appeal is to the state/Territory Tribunal and then the second step to the state/territory Appeals Tribunal.

In the case where a player is cited in an Organisation that has a regional Status the procedure is as following:

- i) Hearing by local Organisation Tribunal
- ii) Appeal to Local Organisation Board of Management Appeals Tribunal
- iii) Appeal to state/territory Appeals Tribunal

**(d)** If the incident has occurred during a State event the matter is originally heard by the state/territory Tribunal, leaving only one step of appeal available and that is to the state/territory Appeals Tribunal.

**Q.19 Are these BY-LAWS Australia wide? In other words, does any penalty we impose in a home state apply in any other State/Territory and vice versa?**

**A.** The General Managers of States/Territories in association with Basketball Australia have agreed to recognise each others penalties and procedures.  
Home state can expect other States to recognise the findings of its respective Tribunals and vice verse, home state will recognise the penalties of other State/Territories.

**Q.20 Is the media allowed to be present at Tribunal hearings?**

**A.** No.

**Q.21 When an adult appears at a Tribunal to assist a minor, can that person also act as a witness?**

**A.** This is permissible but could be detrimental to the case presented. It is best that different people perform each role.

If a person acted in both capacities, the representative would not be required to leave the room.

**Q.22 Please clarify the use of the video as a means of presenting evidence to Tribunals.**

**A.** Video evidence is valid to determine responsibility in matters of discipline. Video is required to be continuous and independently produced or produced as required in the operational rules for a competition.

**Q.23 Explain the difference between matters that are handled by the Board of an Organisation in preference to a Disciplinary Tribunal. Where is the fine line drawn?**

**A.** As a general rule, Tribunals deal with game conduct and incidents arising during or after matches.

The Board of management deals with conduct that brings the sport into disrepute i.e. incidents that do not occur in the game situation.

If action is taken under the powers of the Constitution, there is no right of appeal unless a Special General Meeting of the Organisation is called to consider the matter.

If an incident occurs after the referees complete their control of the game, e.g. player confronting an official in the car park, the Organisation has the choice of dealing with the matter under Tribunal BY-LAWS or Constitution, former is preferable.

Incidents that occur during games and are reported by an administrative official, not the referees can be cited under the powers of the Constitution but again Tribunal BY-LAWS are preferred.

**Q.24 How is a registered participant of the Organisation, who attends a game as a spectator, treated any differently to an unregistered participant who attends a game as a spectator, if there is a need for a disciplinary procedure to occur?**

**Who hears such cases? Tribunal or Board and what are the procedures?**



**What is the difference between a spectator and a team supporter?**

A. This question is best answered by considering two situations: -

- a) Unregistered participants:
  - i) Spectator
  - ii) Team supporter

These people will not be subject to the Tribunal rules. The only powers are those of ejection from the building or refusal of entry.

- b) Registered Person:
  - i) Team follower
  - ii) Team supporter
  - iii) Spectator

Can be dealt with under either Tribunal or Constitutional powers of the Organisation.

NB Proceed on the side of caution when citing persons under (b) above so that there is not an abuse of power by those in authority.

A team follower is clearly defined in the Official Basketball Rules and Referee’s Manual (see Rule 4). The penalties applying to coaches, managers, players are also applicable to team followers in the game situation.

A team follower is a person who is or has acted in some capacity for the team during that game e.g. sits or sat on the team bench at some time during the game, acts as a team trainer, issued uniforms etc.

A team supporter/spectator are quite different as they do not have a connection with the team even though they may be related or wear the teams recognised promotional uniforms.

**Q.25 How are constantly charged persons of minor items best handled by the Board of Management?**

A. Such persons should be cited to the Board of Management. These cases are difficult to prove.

The complaints must be specific. Each incident must be dealt with on its own. Charged persons should be warned by letter. The Organisation has

the right to refuse acceptance of constant charged persons into competitions.

**Q.26 A suspended player becomes involved in an incident that occurs in a game at which he is a spectator. The suspended player is cited;**

- a) **By reporting officials**  
or
- b) **From evidence arising from the Tribunal concerned with the evidence given**  
or
- c) **From a court supervisors report as there was not an official’s report on the incident.**

**How are (a), (b), (c) handled?**

- i) **Tribunal process?**  
or
- ii) **Constitutionally by the Board?**

**How are penalties arrived at and applied?**

A. The point to remember is that a suspended player is still a member of the Organisation.

a) If cited by game officials for a game incident, the charged person goes through the normal Tribunal procedures.

If found guilty the period of suspension is added to the current penalty.

b) In the event of (b) or (c) above taking place, the reported incident is fully heard by the Board of Management. The spectator must be given the opportunity of defend him/herself.

In all cases, arriving at penalties cannot be done until after the charged person is proven guilty.

**Q.27 a) When a player / coach / team follower is suspended, is that person stopped from;**

- \* **Playing**



- \* **Coaching / managing a team in the game situation**
- \* **Refereeing / Table officiating**
- \* **Entering the stadium**
- \* **Acting in an administrative capacity**

**b) Does the Tribunal have the power to restrict the suspension just to one or two areas e.g., playing and coaching but free to referee?**

**A. a)** The intent of the BY-LAWS is that when a person is suspended for an incident involving a game situation, the said person/s cannot

- play
- referee /table officiate
- coach / manager in the game situation.

The coach may conduct team training sessions but cannot participate in the game situation. The coach is not prohibited from being a spectator at his/her teams game but cannot sit on the team bench or advise the officials as to the conduct of the game

A suspended player / coach / manager who is also an administrator may carry out his/her duties during the period of suspension but cannot be involved in any game situation.

However, if a member is suspended under the Constitutional powers of the Organisation, they are suspended from all Organisation activities and this includes administration.

A person under suspension by the Constitutional powers of the Organisation is not eligible to stand for election to Organisation administrative positions while serving the suspension.

**b)** The Tribunal does not have the power to restrict a suspension e.g. a suspended sentence or suspend the player from local competitions but not State League/ABA or free to referee but not play.

NBL Tribunals do not recognise State / domestic suspension.

**Q.28 When a player is suspended by a tribunal, when does the suspension commence and end and what are the exclusions?**

**A** When a player is suspended by a tribunal, the suspension commences immediately and concludes at midnight on the day the suspension ceases. This means that the suspended player is excluded from

- Playing or Coaching a game
- Refereeing
- Being a score table official
- Being a game statistician

**Q.29 Can an unregistered or illegal player be cited to appear before a Tribunal?**

**A.** Yes.

**Q.30 Are cases that involve Police or Civil Court action held over until a legal decision is made?**

**A.** No. Deal with the matter as soon as possible as you would a general case. Police and Civil cases often take months or years to be resolved.

**Q.31 If evidence in a Tribunal incriminates person(s) not charged by the reporting officials, can the person(s) then be cited?**

**A.** No.

**Q.32 Can complainants appeal against irregularities in procedure processes in a Tribunal?**

**A.** No. Only leniency of penalty.

**Q.33 Can the complainant appeal against leniency if the charged person is found “not guilty”?**

**A.** No.

**Q.34 If a citing notice is sent to an address formerly occupied by the charged person, does it relieve the person of attending the Tribunal?**

**A.** No. It is the responsibility of the



Charged person to have notified the Organisation of the change of address.

**Q.35 When several persons are cited over the same incident, is each Person's case heard separately?**

**A.** No. Hear all the evidence at the same Tribunal.

**Q.36 How are persons in games involving duty referees reported?**

**A.** 1) Duty Referees may report charged person Court Supervisors may report charged persons.

2) Court Supervisors may report charged persons





## SECTION 10

# ADOPTION OF TRIBUNAL BY-LAWS





**MINUTES OF MEETING OF DIRECTORS OF  
BASKETBALL ASSOCIATION LIMITED**

HELD ON \_\_\_\_\_ 20...., AT \_\_\_\_\_ AM/PM

**PRESENT:** (Chairman)  
(List Directors present at meeting)

**DISCIPLINARY  
TRIBUNAL  
BY-LAWS**

The Chairman tabled proposed BY-LAWS to establish Disciplinary Tribunals to deal with misconduct at basketball matches on a uniform basis throughout NSW. The said BY-LAWS were prepared for the NSW Basketball Association Ltd who have suggested that all basketball organisations adopt such By Laws.

**Moved:**

**Seconded:**

That:

- (a) The Disciplinary Tribunals BY-LAWS be adopted by the *(Input organisation's legal title)*
- (b) All persons participating in basketball under the auspices of the *(Input organisation's legal title)* as officials, players or teams be required to sign an application that acknowledges that they;
  - (i) are bound by the said Disciplinary Tribunal BY-LAWS of the Company as varied from time to time, and
  - (ii) have been offered the opportunity to read the BY-LAWS prior to lodging their application.

**CLOSURE OF  
MEETING:**

There being no further business the meeting closed at \_\_\_\_\_ am/pm.

\_\_\_\_\_  
Chairman  
Signed as a correct record





## SECTION 11

# TRIBUNALS AND RECOGNITION OF OTHER AUTHORITIES



**11.1 National Basketball League, Women's National Basketball League, Australian Basketball Association**

- State bodies recognise the findings and penalties of the NBL, WNBL and ABA conferences.

**11.2 Basketball Australia Championships**

State bodies recognise the findings of Basketball Australia Championships Technical Committees and/or Championships Tribunal.

**11.3 Interstate Carnivals / Tournaments/ Championships**

State bodies recognise the findings and penalties of the organising body, providing the Tribunal procedures were correctly carried out. Appeal

procedures will be subject to the State By-Laws in which the offence occurred.

**11.4** States will recognise the suspensions of others. Likewise appeals will only be to the State body / authority which initiated the initial findings.

**11.5** That where a suspended person leaves Australia to attend a foreign education centre and then return at a later date, that the suspension will be held in abeyance until the offender returns. The sentence will then be resumed and completed.

**11.6** Recognises International suspensions imposed by FIBA, Zones of FIBA, FIBA Nations where advised by Basketball Australia.

**11.7** That where a suspension includes a period of time including a National Championship, no exception can be made.



## REFEREES TRIBUNAL KIT

This kit is designed to assist officials in the reporting, preparation, proceedings and follow up to actions at State/Territory/National League Disciplinary Tribunal Basketball Australia Disciplinary Tribunal hearing.

*Acts of violence between opponents are generally the consequence of an escalation in the roughness of personal contact. These may begin with mere occasional touching or hand guarding, followed by more intentional forms of pushing or holding, with the illegal use of elbows, shoulders, hips or knees, finally culminating with rough holding or pushing or even hitting with the fist. All these contacts are illegal and should be promptly called and penalised by the Officials.*

*But the threshold of personal contact demanding an extreme penalty such as disqualification is not always easy to determine.*

*Player / team officials who are guilty of flagrant acts of aggression against opponents should be promptly disqualified for the rest of the game. The game officials are then required to report the incident to the body responsible for the competition.*

**TECHNICAL INFRACTIONS**, *swearing, foul language, derogatory remarks, extremes of poor behaviour, gesturing, dissent (continually questioning decisions) etc. are not to be tolerated. There comes a point where technical fouls fail and disqualification becomes an option.*

Do not act in haste. Proceed with common sense and caution.

## 1. WHO CAN BE REPORTED

1.1 Any player, coach, official or person with any team or Organisation may be reported by an official participating in a Competition / League for actions which would bring the Competition / League or Basketball into disrepute.

1.2 The person (s) can be reported for incidents occurring in any game, after a game or at the venue including the venue and its surrounds. E.g. car park.

1.3 Reports are to be submitted irrespective of pending civic action.

1.4 Reports cannot be submitted for subsequent actions outside the control of the Basketball venue.

1.5 Team followers can be reported, however do not confuse a team follower with a spectator, Refer to Rulebook p 17, 87, 90 or team supporters.

1.6 Incidents involving spectators or team supporters are the concern of the competition organisers / managers. Stop the game, have the matter attended to and then proceed without penalty to either team.

1.7 Reports involving registered players who are spectators or team supporters at an event can be sent to TRIBUNAL.

1.8 Reports involving non registered team supporters or spectators are to be sent to the event management but are not subject to TRIBUNAL.

A game can be forfeited because of player, team, official or team follower actions.

1.10 A team cannot forfeit because of the action of team supporters / spectators.

The game may be called off if officials deem that they or the players are in danger but the decision in respect of forfeit is an administrative one.

## 2. REPORTING THE OFFENDER

2.1 If a player / official is dismissed from a game, a report is to be completed.

2.2 Complete the top half of the relevant Competition form – see attached example

2.3 **PRINT NEATLY**  
Clearly state charges using the letters A and/ or B

A for offences by offenders towards players

And  
B for offences towards officials  
Use the number of the charges plus clearly state in words the charge, e.g. A7 – striking with clenched fist

Detail charge clearly, briefly

If charge sheet is not available, use back of scoresheet.

Fill out charge sheet (top section only) and hand to court Controller / Supervisor **WITHIN 2 HOURS** of the

conclusion of the game or before leaving the venue  
Fill out charge sheet only in the presence of your partner

**DO NOT** personally attempt to serve the offender with the charge sheet within 48 hours of the said game

2.11 The Organisation will serve the offender with the charge sheet within 48 hours of the said game.

## 3. TRIBUNAL PROCEDURES

Pre Tribunal:

3.1 The Organisation will set date, venue and tribunal details and advise all parties.

3.2 Appropriate notice has to be given.

3.3 The Offender and Referee are free to bring witnesses

3.4 The reporting official should look to have a scoretable person and fellow referee attend as witnesses.

3.5 It is the duty, of the game officials to attend a tribunal. Game appointments are not to be given a priority.

3.6 If the reporting official is unable to attend the Tribunal, advise the Organisation immediately.

3.7 Prepare in point form, a detail of the events concerning the incident as soon as possible. Use this to refer to at the TRIBUNAL.

This detailed report should be made available to the TRIBUNAL if you cannot attend but will have limited value, as it cannot be cross-examined.

3.9 If the reporting official is under 18 years of age, please ensure that an adult represents the official. At the very

least, that person should be a senior referee or the Organisation Referee Secretary.

3.10 An official is entitled to have a legal representative or advocate at the TRIBUNAL.

The reporting official is responsible for advising his / her witness of the times, date and venue of the tribunal.

3.12 Obtain a copy of the State/Territory Tribunal Disciplinary By-Laws and be aware of the Tribunal Proceedings as outlined in Section5.



#### 4. DISCIPLINARY TRIBUNAL

4.1 *The reporting official and his representative shall remain in the Tribunal while all evidence is presented.*

4.2 *The reporting official will present his/her evidence. Use your check sheet to assist.*

4.3 *The Reporting Official can be cross-examined by the offender and the Tribunal members, providing the questions are relevant to the matter at hand.*

4.4 *The reporting referee can cross-examine any witnesses presented*

#### 5. DISCIPLINARY TRIBUNAL FINDINGS AND APPEALS

5.1 *Offenders have several grounds for appeal.*

5.2 *Reporting officials ONLY have the right to appeal on the grounds of leniency. (Note: there is no appeal by officials on matters dealt with by an Administrative Tribunal.)*

5.3 *These are no grounds for an appeal by the reporting official if the offender is found NOT GUILTY.*

5.4 *TRIBUNALS have the power to alter the original charges to those of a lesser nature.*

5.5 *Appeals must be lodged in writing within 14 days of the TRIBUNAL Hearing. Use Schedule sheet #4*

5.6 *An appellant lodging an appeal against a Tribunal's finding must establish in Notice of Appeal that the offender has been treated leniently.*

5.7 *If the relevant Tribunal decides to hear an appeal, all parties will be notified.*

5.8 *There is no fee involved.*

5.9 *Appeals are heard as follows-*

5.9.1 *Organisation TRIBUNAL – appeal to their member*

5.9.2 *Member TRIBUNAL – appeal to State/Territory*

5.9.3 *Appeal to State/Territory TRIBUNAL – appeal to State/Territory Appeals Committee*

#### SPECIAL NOTES

- ❖ Coaches who are disqualified from the game for technical infractions e.g. Coach third bench technical foul are not to be reported.
- ❖ A coach who is disqualified for receiving two personal technical fouls or whose bench receives three technical fouls shall be reported.
- ❖ The offender who is the subject of a report shall be entitled to play, coach, score or officiate until the appropriate Tribunal has heard and determined the complaint.
- ❖ If an offender is suspended, he/ she cannot play, referee, coach, score for the period of the suspension. The suspended person may continue to act as an administrator.
- ❖ State/Territory recognises Tribunal actions of the state/territory. High Schools competitions. The schools likewise recognise State/Territory Tribunals.
- ❖ State/Territory Primary Schools do not recognise State/Territory tribunal hearings
- ❖ Tribunals make their decisions "on the Balance of Probability".
- ❖ Officials who fail to appear without reasonable cause shall be reported to their local Organisation.
- ❖ ONLY in the case of ABL, State League and Junior Leagues, where distance is a problem the Tribunal can be conducted by Teleconference.

**SCHEDULE 1  
OFFICIAL REPORT FORM**

This form is to be used by the game official or Organisation Official when Tribunal Action should be taken against a player or team or any registered member. It does not remove the responsibility of Referees to note disqualification and reports on the scoresheet, and subsequent action as directed by the Competition/Organisation Rules.

DATE OF GAME: 26 / 10 / 80 VENUE: The Dome TIME: 8.00pm

TEAMS INVOLVED: Australia v USA MEN / WOMEN

**NAME AND NUMBER OF REPORTED #23 M. Jordan**

REGISTRATION NUMBER: 00001 EXPIRY DATE: 31/12/00

PERSON: N.Zanolin SUPPORTING OFFICIAL: L.Koteba

CHARGE: (refer to back of sheet): A8, A18

DETAILS OF CHARGE: #12 Australia personal foul #23 USA. #23 retaliated by punching #12 Green in the face and then head-butted #12. The green player fell to the floor and was unconscious

N.Zanolin (Signature of Reporting Official)

This form must be completed in duplicate and both copies given to the Supervisor/Secretary for distribution. The Supervisor/Secretary shall convene a Tribunal Panel comprising three independent representatives as soon as possible after receiving the report and where possible prior to the next scheduled match of the reported player/official. This Tribunal to be conducted in accordance with the Basketball Australia Disciplinary Tribunal BY-LAWS.

(please copy and provide the player/official in question with a copy)

**SCHEDULE 2  
GENERAL REPORT CONFIRMATION FORM**

TO \_\_\_\_\_  
(PLAYER)

(NUMBER) \_\_\_\_\_ **Basketball Team**

You have been charged with:

1Category \_\_\_\_\_ 4Category \_\_\_\_\_

2Category \_\_\_\_\_ 5Category \_\_\_\_\_

3Category \_\_\_\_\_

If one or all the charges against you are category A, and you are not a minor, you can elect to have an administrative tribunal determine the matter. The maximum penalties are listed on the back of this sheet.

Should the charged person disagree with an administratively imposed penalty he/she may have the matter heard by a Disciplinary Tribunal, provided he/she within (five) days of notice of the administratively imposed penalty, submits in writing the grounds on which the tribunal is sought and the names of any proposed witness.

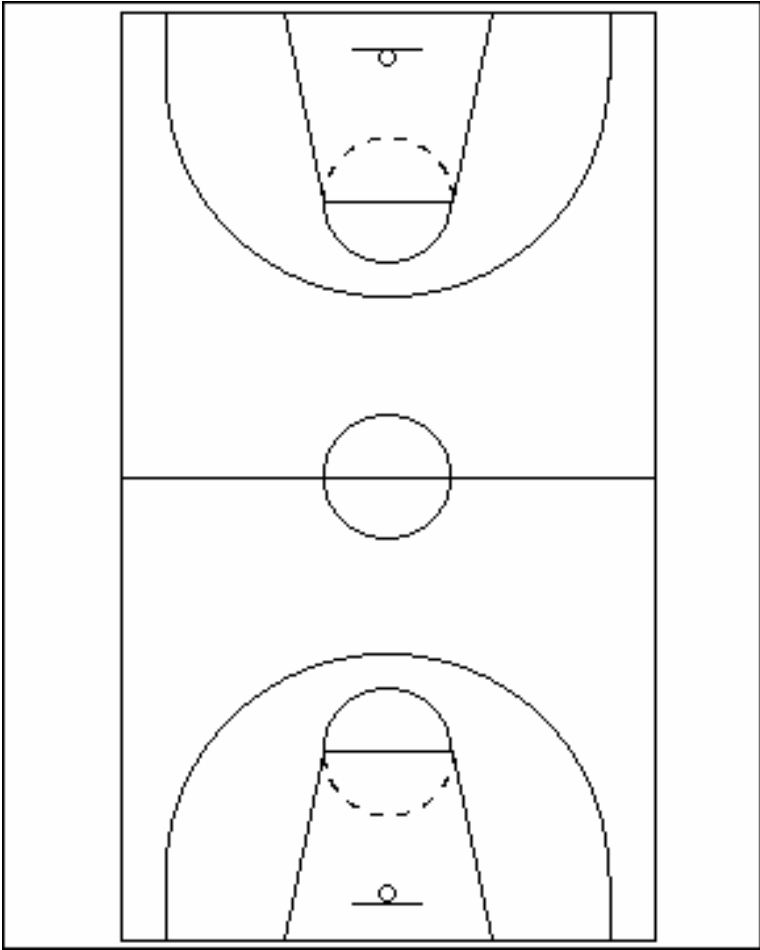
**If Category B offences or if Charged person requests a tribunal hearing**

Persons charged with an offence under category B must appear before a tribunal hearing and **are eligible to play** until such hearing is held. Maximum penalty schedule is on the back of this sheet.

The competition manager will arrange a time and date for the tribunal hearing (about 7 days hence) by discussing the matter with the tribunal chairman. Failure to attend this meeting will result in you being suspended from all basketball activities until you do appear before the tribunal. If you are under the age of 18 years you are entitled to be accompanied by an adult. Legal representation or advocates are permitted

Signature of competition delegate \_\_\_\_\_ Date:  / /  Venue \_\_\_\_\_  
Match concerned \_\_\_\_\_ v \_\_\_\_\_







**SCHEDULE 1  
OFFICIALS REPORT FORM**

This form is to be used by the game official or Organisation Official when Tribunal Action should be taken against a player or team or any registered member. It does not remove the responsibility of Referees to note disqualification and reports on the scoresheet, and subsequent action as directed by the Competition/Organisation Rules.

DATE OF GAME: \_\_\_\_/\_\_\_\_/\_\_\_\_ VENUE: \_\_\_\_\_ TIME: \_\_\_\_\_

TEAMS INVOLVED: \_\_\_\_\_ v \_\_\_\_\_ MEN / WOMEN

NAME AND NUMBER OF REPORTED PERSON: \_\_\_\_\_

GAME NUMBER: \_\_\_\_\_

TEAM: \_\_\_\_\_

OFFICIAL MAKING REPORT: \_\_\_\_\_

SUPPORTING OFFICIAL: \_\_\_\_\_

CHARGE (refer to back of sheet): \_\_\_\_\_

DETAILS OF CHARGE:

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
(Signature of Reporting Official)

This form must be completed in duplicate and both copies given to the Supervisor/Secretary for distribution. The forms will then be administered as set out in the Tribunal and Disciplinary By Laws.



# Offences and Penalties

## Notes

1. There are two groups of charges and penalties:  
Group A – relate to charges against participants but not involving an official  
Group B – relate to charges against participants involving officials

2. Administrative Tribunals  
Are to be used for the summary dealing of minor offences i.e. offences with maximum penalties of ten (10) or less weeks.

3. Disciplinary Tribunals  
Are to be used where the penalty for the offence is more than 10-weeks.

- 
1. Disputing decisions – a maximum of six (6) weeks
  2. Unsportsmanlike behaviour – a maximum of six (6) weeks
  3. Code of conduct breach relating to a player, referee or official – a maximum of six (6) weeks
  4. Attempting to trip:  
A – Maximum ten (10) weeks  
B – Maximum twenty (20) weeks
  5. Tripping  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
  6. Obscene gestures  
A – maximum of ten (10) weeks  
B – maximum of twenty (20) weeks
  7. Offensive language (which may include abusive, obscene or insulting language)  
A – maximum ten (10) weeks  
B – maximum of twenty (20) weeks
  8. Attempting to strike  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
  9. Striking (fist, hand, object, head)  
A – maximum fifty two (52) weeks  
B – life
  10. Conduct which brings the game of Basketball into disrepute A maximum of twenty (20) weeks

11. Failure to attend Tribunal without proper cause when notified  
A maximum of twenty (20) weeks
12. Failure to co-operate in, or hindering an investigation or hearing under these by-laws.  
A maximum of twenty (20) weeks
13. Attempting to elbow  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
14. Elbowing  
A – maximum twenty (20) weeks  
B – life
15. Fighting  
A - Two or more players involved, a maximum of twenty (20) weeks.
16. Attempting to kick  
A – maximum ten (10) weeks  
B – maximum fifty two (52) weeks
17. Kicking  
A – maximum of twenty (20) weeks  
B – life
18. Spitting  
A - maximum of twenty (20) weeks  
B – maximum of fifty two (52) weeks
19. Moving under an airborne player (tunnelling)  
A - maximum of one hundred and four (104) weeks
20. Putting a person in fear of impending violence  
A - maximum of fifty two (52) weeks  
B – maximum of one hundred and four (104) weeks
21. Coaching, Refereeing, playing, scorebench duties while under suspension  
A - minimum of two (2) weeks, maximum five (5) weeks per game plus the suspension period
22. Deliberately endangering the safety, health, of the players, spectators, officials (incidents involving blood/body fluids)  
Maximum penalty life



# **OFFICIALS TRIBUNAL** **REPORT** **“CHECK LIST”**

- ✓ Is there a question as to the identity of the Offender or persons involved in the report? Be aware of incorrect use of names on scoresheet by offenders.
- ✓ Have you reported the correct person with the correct number and team?
- ✓ Does each report involve ONLY one Offender? Submit a citing form for each offender.
- ✓ **BE POSITIVE & CONCISE!!**
  1. “I did hear the abuse”
  2. “It was directed to me”
  3. “It could not have and was not directed to anyone else”
  4. Do not use “I think”, “I thought”, “it looked like”, “it seemed” in parts of the report.
- ✓ **After Writing the Report**
  1. Ensure you are familiar with the contents of the report
  2. Check the correct charge and number (i.e. Striking with a clenched fist A9) has been entered.
  3. Check the offender’s name, number and teams.
  4. Have you included the following in your report?
    - 4.1 Approx time of the incident (i.e. approx 4 mins before the end of the 1st half)
    - 4.2 Location on the court of the incident (use diagram to illustrate)
      - \* Where on court were you at the time?
      - \* How far away were you from the incident?
      - \* Where was the other Official on the court?
    - 4.3 Did you have a clear view of the whole incident or was your view partially obstructed.
    - 4.4 Was your hearing impeded (i.e. surrounding noises)?



- 4.5 Main points concerning the incident. (Brief bullet points)
- \* Any events leading up to the incident?
  - \* A step-by-step account of the actual incident.
  - \* What action did you take?
  - \* Why was the above action taken?
  - \* What was the result of your action by: -
    - The Offender
    - Other persons
    - The other Officials
- 4.6 What happened immediately after the incident?
- 4.7 Did any further incidents occur from the reported incident?
- 4.8 Did the Offender comply with your instructions (i.e. move away, leave the court)
5. Did the game proceed without further incidents?
6. In what spirit was the overall game played? (I.e. Rough, Noisy, Calls being questioned?)
7. Read through again and again, and then revise if necessary before finalising and submitting.
8. If there is insufficient space on the report form, use the back of the sheet.
9. If a report form is unavailable, use the back of the scoresheet. Clearly mark front of sheet that there is a report.
10. Advise the Court Supervisor that you are reporting the players. Ask that the player be advised immediately. In domestic competitions, the report must be completed as soon as possible.
11. Do not leave the facility without completing all the reporting requirements.

- ✓ The above list is meant only as a guide to completing the Tribunal Report, any questions regarding the "Report Form" should be directed to the Court Manager who will advocate and assist in the completion of the form.

Amendments:

Date Amended	Section Amended	Reason
8/7/05	Schedule 1/2 Offences and Penalties - #14 -Fighting	To correct typing error
	Schedules 1 & 2	Sequentially number all offences

