

BSASA DISCIPLINARY POLICY

1 May 2018

Under Clause 7.2 of the Association's Constitution, the Committee has implemented the following Policy Rules dealing with member discipline. To the extent that there is any inconsistency between this policy and clause 10 of the current Association's Member Protection Policy, this policy takes precedence

1. The Committee have resolved that:-
 - 1.1. members can be subject to a hearing by a Disciplinary Committee established by the Committee;
 - 1.2. it may appoint a Disciplinary Committee at any time and from time to time and may alter the personnel in that Disciplinary Committee at any time; and
 - 1.3. the Disciplinary Committee shall have a Chairperson who shall ensure the Disciplinary Committee conducts itself in accordance with these Rules

Discipline of Members

2. Breach of Discipline by a member

A member shall not:

- 2.1. breach, fail, refuse or neglect to comply with a provision of the Constitution, the Association's Member Protection Policy, the ABSC Player's Code of Conduct, any policy issued by the Committee or any other resolution or determination of the Committee;
- 2.2. act in a manner unbecoming of a member or prejudicial to the objects and interests of the Association or cue sports;
- 2.3. prejudice the Association or cue sports; or
- 2.4. bring the Association or cue sports into disrepute.

3. Report of Disciplinary Matter

- 3.1. Any member (**complainant**) may give written notice of a complaint relating to the conduct or otherwise of another member (**respondent**) to the President, or if the complaint relates to the conduct of the President, to a Vice-President.
- 3.2. If the complaint relates to suspected child abuse, sexual assault or other criminal activity, the President or Vice President as the case may be, will report the behaviour to the police and/or relevant government authority and our national body. The Committee shall, as soon as practicable, serve a notice in writing on the respondent:
 - 3.2.1. providing a copy of the complaint;
 - 3.2.2. advising that the Committee has reported the behaviour to the police and/or the relevant government authority and our national body
- 3.3. If the matter is reported to the the police and/or the relevant

government authority, then the processes and timetable in Rules 3.4 and 4.3 will not commence until the police and/or the relevant government authority have concluded their enquiries and any Court processes.

- 3.4. The President or Vice President shall as soon as practicable, but within 7 days of receipt of a complaint, forward written details of the complaint to at least one member of the Disciplinary Committee.

4. Consideration of Matter

- 4.1. The Disciplinary Committee shall, as soon as practicable after receiving a notice under Rule 3.2, consider the matter, and shall within 14 days of receiving such notice, determine whether:
- 4.1.1. the matter should be dismissed, because it considers the complaint is vexatious, trifling or frivolous; or
 - 4.1.2. there are reasonable grounds to believe there may have been a breach of Rule 2 above, and accordingly the matter warrants review and determination in accordance with the principles of natural justice.
- 4.2. If the Disciplinary Committee determines the complaint should be dismissed under Rule 4.1.1, it shall, as soon as practicable, give written notice of such dismissal to the complainant together with its reasons. The rights of appeal in Rules 10 to 13 below apply in respect of a determination under Rule 4.1.1.
- 4.3. If the Disciplinary Committee determines the matter warrants further review under Rule 4.1.2 it shall, as soon as practicable, serve a notice in writing on the respondent:
- 4.3.1. setting out the grounds on which there may have been a breach of Rule 2;
 - 4.3.2. stating that the respondent (personally, by a delegate or, in the case of a junior respondent, by a delegate and an adult representative) may address the Disciplinary Committee at a hearing to be held not earlier than 21 and not later than 35 days after service of the notice.
 - 4.3.3. stating the date, place and time of that hearing (which hearing may be held by teleconference).
 - 4.3.4. informing the respondent that the respondent may do one or both of the following:
 - 4.3.4.1. attend or participate in that hearing and make submissions personally, by a delegate or, in the case of a junior respondent, by a delegate or an adult representative; or
 - 4.3.4.2. give the Disciplinary Committee, at least 48 hours before the date of that hearing, a written statement setting out relevant information surrounding the complaint, and (if appropriate) seeking dismissal of the complaint.

- 4.4. If the complaint is referred under Rule 3.2 or if Disciplinary Committee determines the matter warrants further review under Rule 4.1.2 then, in accordance with clause 7.4 of the Constitution, the respondent may not participate in cue sports organised by the Association or conducted at the Venue at 57 Milner Road, Richmond, SA, pending the determination of such proceedings (including any available appeal) unless the Committee decide that the respondent's continued participation is appropriate having regard to the matter at hand.

Meeting of Disciplinary Committee

5. Disciplinary Committee Hearing

The Disciplinary Committee may conduct the hearing convened in accordance with Rule 4.3 in such manner as it sees fit, but shall:

- 5.1. not be bound by the rules of evidence and may inform itself of any matter in any manner it sees fit;
- 5.2. implement such procedures and processes as it considers, in its absolute discretion, may be necessary;
- 5.3. give the respondent every opportunity to be heard;
- 5.4. give due consideration to any written statement submitted by the respondent;
- 5.5. allow the respondent and the complainant to each have a delegate or, in the case of a junior respondent/complainant, a delegate and an adult representative;
- 5.6. request and/or require the complainant or any other witness to attend the hearing and/or provide (wherever practicable, in writing) such evidence as is available;
- 5.7. may make an audio record of the hearing and any evidence given or submissions made at the hearing.
- 5.8. give the complainant every opportunity to be heard;
- 5.9. determine any disputed issues of fact on the balance of probabilities;
- 5.10. adjourn, if needs be, the hearing of the complaint; and
- 5.11. by resolution determine whether to dismiss or uphold the complaint.

Disciplinary Committee Resolution

6. Disciplinary Committee Resolution

If the Disciplinary Committee determines that the respondent has committed a breach of discipline contrary to Rule 2, the Disciplinary Committee shall, having had due regard to its determination and to any further submissions or evidence received in respect of penalties, by resolution impose one or more of the following penalties:

- 6.1. expel a respondent from the Association for such period as it thinks fit;

- 6.2. suspend a respondent from membership of the Association for a specified period;
- 6.3. impose a fine;
- 6.4. give such warning or reprimand as is appropriate;
- 6.5. require the complainant to provide a written apology in a form acceptable to the Disciplinary Committee;
- 6.6. suspend any penalty on such conditions as it thinks fit and impose a good behavior period;
- 6.7. revoke any previous suspension and in addition impose a further penalty for the current complaint; and
- 6.8. take such other action as it deems reasonable and appropriate in all the circumstances.

The Disciplinary Committee shall notify the respondent and the complainant in writing by email and at the addresses set out in the Association's records within 7 days of its resolution and the reasons for that resolution.

Effect of Resolution

- 7. Both the complainant and the respondent have a right of appeal to the Committee.
- 8. If the respondent exercises a right of appeal to the Committee under this Rule, a resolution of the Disciplinary Committee under Rule 6 takes effect until and unless the Committee revokes the determination in accordance with these Rules.
- 9. If the complainant exercises a right of appeal to the Committee under this Rule, the suspension under Rule 4.4 continues until that appeal is resolved unless the Committee decides that the respondent's participation in cue sports organised by the Association or conducted at the Venue at 57 Milner Road, Richmond, SA is appropriate having regard to the matter at hand at that time.

Notice of Appeal to Committee

10. Appeal

- 10.1. In lieu of clause 10.4 of the Member Protection Policy the only right of appeal is to the Committee.
- 10.2. Either the complainant or the respondent may, within 7 days of notice of a resolution being given under Rule 6, and in addition in the case of the complainant within 7 days of notice of a determination under Rule 4.1.1, appeal the resolution or determination of the Disciplinary Committee, by forwarding a notice in writing to the President, or if the complaint relates to the conduct of the President to a Vice-President, indicating that they wish to appeal and setting out the grounds on which they appeal.
- 10.3. Where the President, or a Vice-President receives a notice under this Rule indicating the complainant or the respondent wishes to appeal to

the Committee, the Committee shall convene a meeting in accordance with these Rules, to be held within 28 days of the date on which the Committee received such notice.

Proceeding of Committee Meeting

11. At a Committee Meeting convened under Rule 10:
 - 11.1. no business other than the question of the appeal shall be transacted;
 - 11.2. the meeting shall be held in camera;
 - 11.3. the Disciplinary Committee shall place before the meeting details of the determination under Rule 4.1.1 and the reasons for the passing of the determination;
 - 11.4. in the alternative to 11.3, the Disciplinary Committee shall place before the meeting details of the grounds for the resolution under Rule 6 and the reasons for the passing of the resolution;
 - 11.5. the Disciplinary Committee shall provide to the meeting a copy of all evidence it received and all audio recordings made;
 - 11.6. the Committee will determine the appeal on the material referred to in Rule 11.5. The Committee will only receive further evidence in exceptional circumstances;
 - 11.7. the respondent and the complainant may attend and each have a delegate or, in the case of a junior respondent/complainant, a delegate and an adult representative and shall be given every opportunity to be heard; and
 - 11.8. the Committee present shall, following consideration of the matter, vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

Decision of Committee

12. On or shortly after a Committee meeting convened under Rule 10, the Committee shall either:
 - 12.1. pass a resolution confirming the determination of the Disciplinary Committee under Rule 4.1.1; or
 - 12.2. pass a resolution reversing the determination of the Disciplinary Committee under Rule 4.1.1 and appointing a new Disciplinary Committee to determine the complaint under Rule 5;
 - 12.3. in the alternative pass a resolution confirming the resolution of the Disciplinary Committee under Rule 6; or
 - 12.4. pass alternate resolutions under either or both of Rules 5 and 6; or
 - 12.5. pass a resolution that the resolution of the Disciplinary Committee be revoked immediately.

The Committee shall notify the respondent and the complainant in writing by email and at the addresses set out in the Association's records

within 7 days of the resolution of appeal by the Committee and its reasons for that resolution.

13. The decisions of the Committee will be binding upon the respondent and the complainant and there shall be no further right of appeal.