

Tribunal Administration Checklist

This document summarises the SA Country Basketball Tribunal Procedure.

It is not a replacement of the Tribunal Bylaws, nor does it act as a summary of Bylaws. It aims to act as a checklist of processes and clarify the roles and responsibilities of all involved, to ensure correct procedure.

Always read and have the Tribunal Bylaws on hand to ensure due process is being adhered to.

Important Roles

Hearings Officer- Administrative leader of the Tribunal process. The Hearings Officer must be the organising body point of contact, main communications person for the report and the liaison between the official, the charged person and the Tribunal Panel. The Hearings Officer may be a member of the organising body committee or an independent person. The Hearings Officer should be appointed each year immediately after the AGM or as required.

Official- Game officials and any Organising Body official who has been so empowered by the Organising Body, For e.g., Referee, venue supervisor, committee member.

Tribunal Panel- The Tribunal panel shall be appointed by the Organising Body each year immediately after their AGM or as required and shall comprise of the following persons:

- (a) a Tribunal chairperson who shall be a person of experience and skills suitable to the function of chairing the Tribunal and discharging the responsibilities set out under Clause 4.1;
- (b) no fewer than two Tribunal members in addition to the chairperson.

Club Representative- Point of contact for the Hearings Officer and represents the club's interest in the tribunal process.

Appeals Officer- Independent person who receives the appeal either from the Hearings Officer or the charged person directly. Acts as a liaison between the charged person, the organising body, the Tribunal Panel and SA Country Basketball only in the case of an appeal.

Appeals Tribunal- Independent Panel organised by SA Country Basketball that investigates appeals sent through from Appeals Officer.

Pre-Tribunal Hearing

- Organising body official or Hearing's Officer receives report. See Bylaw section 7, on who can make a report.
- Hearing's Officer ensures report has been completed correctly and received in accordance with By Law section 9.
- Hearing's Officer must notify the charged person, team or club as well as any other person involved in the report within 24 hours.
- Hearing's Officer must send charged person, team or club a copy of the reports (with referee and/or reporting official names redacted for privacy and member protection if a minor) within 24 hours of notification. Please read through section 10.4 for details for responsibilities of notification.
- Hearing's Officer to notify the chairperson of Tribunal Panel that a report has been received and deliver the report form and any other information relevant to the case.
- Note, the Chair may deem that a hearing may not be necessary, and an Administrative Tribunal may take place instead. Please refer to Bylaw section 17 for details.
- In the case a Hearing takes place, the Hearings Officer must ensure that there is a venue / room booked for the Tribunal hearing.
- Hearing's Officer to contact Tribunal Panel to see if they are available for the Tribunal Hearing.
- Hearing's Officer to notify the reporting official and any other officials or witnesses required to be in attendance, of the date, time and place of the Tribunal hearing.
- Notify reported person or that person's team contact, via email or on paper with relevant paperwork, date, time, and location of the tribunal. E.g. **'Notice to Reported Person or Team.'** Including a copy of the Report and any witness statements received prior to hearing. Clearly state conditions if the charged person does not attend, in accordance with Bylaw section 13. This information must be provided a reasonable period prior to such hearing (Best practice is no later than 4pm the day prior to the hearing).
- Prior to tribunal have copies of the following documents organised:
 - Report Form
 - Tribunal Hearing Report

- Penalty and Appeals Advice
- Copy Codes of conduct
- Tribunal By-Laws Offence list
- Tribunal Checklist
- Any copies of witness statements that the chair has agreed to have if person cannot reasonably attend.

Tribunal Hearing

- The following people should be present at the Tribunal Hearing.
 - (a) the Tribunal Panel-as indicated in Bylaw Section 3.
 - (b) the Hearing's Officer, for note taking only (note taking is not verbatim, but just recording the plea, decision and penalty).
 - (c) the charged person and/ or the president, secretary or other delegate representing a charged team or club;
 - (d) the reporting official(s);
 - (e) witnesses as indicated by the reporting official or charged person to be notified by the officer designated under clause 10.1.
 - (f) any witness required by the Tribunal
 - (g) any other person involved in the report;
- Other people may attend the Tribunal Hearing, see Bylaw Section 12.2, 12.3 and 12.4 for circumstances.
- Refer to section 15 of the By Laws for full Tribunal Procedure.

Post Tribunal Hearing

- Once Tribunal is completed, if penalties have been handed down and communicated clearly to the charged person/s at the Tribunal Hearing or Administrative Tribunal (see Section 17 of Bylaws), the Hearings Officer should send Notice of Findings Form to the reported person along with the Appeals Advice.
- A copy of Notice of Findings Form and the Tribunal Hearing Report should be sent through to the Executive Officer at SA Country Basketball, eo@sacbc.com.au. Stadiums should also be advised so venue supervisors can ensure suspended person is not participating.
- Administrative Tribunal only- The charged person shall be required to notify the Organising Body of his / her acceptance or rejection of the penalty within three working days of notification. If the penalty is acceptable to the charged person, the penalty shall be enforced with no right of appeal. If the charged person fails to indicate acceptance or rejection of the penalty in writing to the Organising Body within three working days of notification, the penalty will automatically be invoked.
- The charged person has the right to appeal. (See Section 18 and 19 of Bylaws). The organising body may also appeal the decision of the Tribunal Panel.
- The appellant must provide the Appeals Officer of the Association in writing, their notice of appeal, within 14 days of the Tribunal finding and pay the appeal fee (the appeal fee does not apply in the case of appeals by minors and may be waived in the discretion of the SACBC Executive Officer). See section 18 of Bylaws for acceptable grounds of appeal.
- If the Appeals Officer is satisfied that the appeal meets the requirements, they must:
 - (a) lodge a notice stating in full the grounds of appeal with the Executive Officer of SA Country Basketball Council within fourteen (14) days of the notification.
 - (b) pay the appeal fee to the SACBC Executive Officer.
- If SA Country Basketball are satisfied of the grounds for appeal, the SA Country Basketball Appeals Tribunal will convene by Administrative Tribunal or Hearing. See Section 22 of Bylaws.

- At the conclusion of the appeal, the SACB Executive Officer on behalf of the Appeals Tribunal shall ensure that the Appellant and the reporting official are correctly informed of the determinations of the Appeal Tribunal. The Appeals Officer and Hearing's Officer shall also be notified of the decision of the Appeal Tribunal.