

SOUTHERN DISTRICTS BASKETBALL ASSOCIATION LIMITED

Judiciary Processes

Drafted 25 May 2022

Approved July 2022

References:

- A. Basketball Australia - Basketball Model Tribunal By-law - For adoption by Constituent Association Members and their affiliated bodies effective 1 October 2012
- B By-Laws of Basketball Queensland Limited as amended June 2021

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Authority

1. These processes are to be read in conjunction with Reference A - Basketball Australia (BA) Basketball Model Tribunal By-Law adopted by the Basketball Australia board on 21 September 2012 and effective from 1 October 2012.
2. These BA By-Laws are also referred to Reference B - the Basketball Queensland By-Laws as follows:

6. DISCIPLINARY TRIBUNALS

6.1 BQ has adopted the Basketball Australia Model Disciplinary Tribunal Guidelines which may be amended from time-to-time, except that this has been varied as set out below:

6.1.1 By virtue of its constitutional responsibilities to members, the board has the power to appeal a decision made by any tribunal or review panel. Such appeal will be heard by an appropriately qualified person appointed by the board and the findings will be final.

3. As an affiliate member of Basketball Queensland, Southern Districts Basketball Association Limited (SDBAL) reserves the right to utilise this guidance in accordance with the Basketball Australia guidance identified at Annex B in establishing the SDBAL Judiciary processes.

Compilation of Spartans Injury / Incident Report Form (hereafter call the Report Form).

4. The report form available on the app from Spartans ie <https://form.jotform.com/213312507557048> (copy and paste into a browser) is to be completed by the reporting officer (whoever is the aggrieved person) and submitted to the Competition Manager or the Referees Supervisor (Responsible Persons).
5. This Report Form should be completed within a reasonable timeframe (not more than 48 hours or the next working day after this period), but even if submitted after the suggested reasonable time has elapsed - it should still be actioned and decision made by the Judiciary chair as to whether it goes ahead.

6. If it decided that the judiciary is to go ahead the person who has been reported will also be notified within 24 hours or the next working day, that they have been charged with an offence, the nature of the offence and the penalties associated with the offence. Once a judiciary panel has been raised, the date/ time of the hearing is to be notified as a follow up to all parties required to attend the Judiciary. It should also be identified to the person charged that in accordance with Reference A Clause 13, if they decide to do so, that non-attendance at the judiciary is also an offence.
7. A record log is to be developed to log in when the report form is received from the date stamp on email or time and date a hard copy is received. This currently exists in the above jotform system and this is to be used and archived after 12 months for any ongoing judiciary action as required.
8. When a report form is received by either of the Responsible Persons, they are to forward the Report Form in question to the Board Chair within 24 hours of receipt of the Report Form. Each of the Responsible Persons should be aware that Report Form has been actioned and submitted by email to chairman@sdbal.com.au, cc the other responsible person and logged as being submitted. The record of notification will also be logged with the Secretary SDBAL for recording into BoardPro under Judiciaries held.
9. That action of forwarding should be notified to the person that compiled the report form by using the email – if this doesn't exist then a formal letter is to be written to the person entering to enable them to know it has been actioned. A telephone call is not by itself sufficient without either an email or letter going to the person making the report.

Empaneled Members

10. The Nominated Chair will be requested to raise a judiciary panel from the nominated and accepted list (by the Board of SDBAL) of panel members after receiving the report from either of the responsible persons. There will only be two panel members required for each Judiciary unless extraordinary circumstances exist (to be determined by the Judiciary panel chair).
11. All personnel who are asked to sit on the Judiciary Panel are requested to recuse themselves if:
 - they are either affiliated with the club of the person facing the Judiciary or
 - well known to the person facing the Judiciary.

Judiciary Report

12. A Judiciary Report (JR) Form is attached at Annex A.
13. A JR Form using the example attached at Annex A should identify the charges on the report form, the aggrieved, the accused and the panels members should be the opening paragraph. A hardcopy Report Form from the Jotform system should be attached as a matter of course in the JR Form submission. This is to be compiled by a responsible person allocated for this Judiciary hearing.
14. The JR form should be succinct and identify the relevant facts of the matter being addressed.
15. Deliberations should take in to account the conduct for judiciaries and relevant by-laws as applies to the given situation including any likely statements of those by-laws relevant to the matter. The conduct of judiciaries and relevant by-laws are attached at Annex B.
16. Conclusions should be drawn by the Judiciary panel if the accused has breached any of the rules and cite those rules / by Laws accordingly in any conclusions drawn.
17. As identified by BQ, penalties should be drawn from the By-Laws of BA a copy of the relevant section is attached as Annex C.
18. A copy of the outcome of the Judiciary and the Report Form and the JR Form should be logged in BoardPro by the Board Member who is acting as Chair of the judiciary or the Secretary SDBAL. An emailed copy of the outcome should also be provided to all parties involved in the Judiciary.

Reporting

19. A report of all judiciaries conducted in the intervening period between board meetings showing panel members utilised, charges identified on the Report Forms and decisions of the judiciary panels. The latter will include as a minimum the accused name, either a suspension, deferred suspension or exoneration and if any sanction was imposed.
20. This is to be completed as part of the ongoing oversight of the processes of Judiciaries by the SDBAL Board.

Appeals

21. Any appeals requested by either the reporting person, or the reported person is to be conducted in accordance with Reference A - Part 5 and Reference B.

Relationship with criminal matters

22. If during a Tribunal hearing an investigation under this By-law it becomes known that criminal charges have been brought (as opposed to merely the subject of police investigation) arising out of the actions the subject of the hearing or investigation, the Tribunal and / or the Organising Body may rule that further action be deferred until completion of the criminal charges, unless the police or other prosecuting authority advise they have no objection to the matter proceeding.
23. In deciding under the above clause, the Tribunal and / or Organising Body shall have regard to the need to ensure the ongoing safety of players, referees and other persons involved in the Organising Body.

Recognition of Penalties across Associations

24. Each Organising Body acknowledges and agrees that it is required to recognise and enforce penalties handed down against individual persons, teams or clubs by the disciplinary tribunals of all other Organising Bodies, basketball associations, leagues and competitions which are affiliated with Basketball Australia and or its Constituent Associations.
25. A charged person/team or anyone representing a charged person/team is not permitted to contact a reporting official or other parties involved in the reported incident, excluding their own witnesses from the time in which they are informed that a report will be submitted and the tribunal hearing.

Judiciary Report (JR) Form (example only)

SOUTHERN DISTRICTS BASKETBALL

IN THE MATTER OF: XXXXXXXX
Junior Domestic Competition XXXXX-v- XXXXX

DECISION: Guilty of charges A to C – Penalty Suspension XXXXXXXX weeks. Deferred indefinitely on the basis of good behaviour for the next XXXXXXXX weeks otherwise to commence on the basis of any adverse report received on or before XXXXXXXX.

CHARGES:

1. A Breach of Code of Conduct – Maximum Penalty 6 weeks
2. B Putting a person in fear of impending violence– Maximum Penalty 52 weeks
3. C Public criticism of officials, coaches or players related to basketball activities– Maximum Penalty 20 weeks

TRIBUNAL MEMBERS:

XXXXXXX,

XXXXXX,

XXXXXXX

RELEVANT FACTS:

1. XXXXXX is XXXXXXXXX a club which participates in the Southern Districts Basketball Competition.
2. CCCCCC is the coach of several junior teams for XXXXXXXX
3. XXXXXXXX coached the game in question. It was a close game and emotions ran high, especially in the final few minutes.
4. On the conclusion of the game XXXXXX approached the referee, XXXXXXXX, sharing his views in a public and unnecessary way.
5. XXXXXX admitted that XXXXX temper got the best of XXXX and XXXXX has apologized to persons who were present and offered that same apology to XXXXXXXX in the course of his response whilst at the Tribunal. This apology was accepted by XXXXXXXX.

REASON FOR DECISION

6. Despite the acceptance of the apology, it remains that the tone, body language and words used at the time by XXXXXX were inappropriate and unnecessary and did not set a good example to other people present, especially in light of XXXXXX position as XXXXXX and coach.
7. It is accepted that the basketball contest was close and heated and that XXXXXX was passionate.
8. The Tribunal has considered the complaint, the evidence provided by both XXXXXX and XXXXX including the external factors which XXXXX revealed to the Tribunal.
9. XXXXXX has admitted that, on reflection, his actions were unwarranted and uncharacteristic and that he is embarrassed by them.
10. XXXXXXXX offered his unfettered apology to the Tribunal and XXXXXXXX for the incident.
11. XXXXXXXX has advised that he has reduced his coaching workload and is taking professional advice to help him on his journey.
12. The Code of Conduct for Southern District Basketball is taken from the General Code of Conduct for Basketball Queensland and states:
 - *Respect the rights, dignity and worth of others.*
 - *Be fair, considerate and honest in all dealing with others.*
 - *Be professional in, and accept responsibility for, your actions.*
 - *Make a commitment to providing quality service.*
 - *Be aware of, and maintain an uncompromising adherence to, Basketball Queensland's standards, rules, regulations and policies.*
 - *Operate within the rules of the sport including national and international guidelines which govern Basketball Queensland, the member associations and the affiliated clubs.*
 - *Do not use your involvement with Basketball Queensland, a member association or an affiliated club to promote your own beliefs, behaviours or practices where these are inconsistent with those of Basketball Queensland, a member association or an affiliated club.*
 - *Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.*
 - *Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.*

- *Refrain from any form of harassment of others.*
- *Refrain from any behaviour that may bring the sport of basketball, Basketball Queensland, a member association or an affiliated club into disrepute.*
- *Provide a safe environment for the conduct of the basketball activities.* • *Show concern and caution towards others who may be sick or injured.*
- *Be a positive role model.*
- *Understand the repercussions if you breach, or are aware of any breaches of, this code of behaviour.*
- *Refrain from engaging in negative or destructive discussions or postings on social media about players, coaches, spectators, officials, administrators or other basketball participants, that may be viewed as abusive, harassing or offensive in nature.*

13. The Code of Conduct also incorporates the Coaches Code of Behavior which states, inter alia, Coaches:

- *Abide by the SDBAL Zero Tolerance Policy.*
- *Always conduct myself in a professional manner.*
- *Carry out my duties to the best of my ability.*
- *Support and always assist my head coach within the guidelines outlined by them.*
- *Wear appropriate attire to all trainings and games.*
- *Build a positive team culture where all players feel included and relevant.*
- *Ensure that any physical contact with a young person is appropriate to the situation and necessary for the players' skill development.*
- *Encourage the development of all team members across the season.*
- *Foster strong coach-player relationships with all team members.*
- *Provide clear, concise, and relevant feedback.*
- *Treat other coaches, players, officials, parents, and spectators (including opponents) with respect.*
- *Establish open communication lines with parents and make myself available for discussions with parents at a suitable time for both parties if required.*
- *Attend required SDBAL coaches' meetings/workshops.*
- *Participate in the SDBAL mentoring program by maintaining regular contact with the SDBAL Coaching Director (or their appointed Coaching Officer) to enable individual coach development and to*

14. Inappropriate language, including profanity and raising the tone of one's voice in anger, is conduct which is not characteristic of or exhibiting good sportsmanship

it is conduct which violates the sport's generally accepted rules of sportsmanship and participant conduct. For this reason, the Tribunal accepts charge A is made out.

15. The charge of Intimating or bullying a person or attempting to do so is more involved and requires consideration of the response of XXXXXX who was unable to recall any details of making the threat albeit implied and for which an apology was given and accepted and that basis charge B is made out.
16. Given the admissions of XXXXXXXX, the Tribunal is satisfied that the conduct of XXXXXXXX constitutes public criticism of an official and charge C is made out.
17. It should be noted that Basketball is an inclusive game and high standards are expected of caches of juniors. This has not occurred in respect of the conduct of XXXXXXXX, which was unnecessary.

CONCLUSION:

18. Consideration will be had by the Tribunal to XXXXXX record without formal incident with the association in determining this matter. He is a person otherwise of good character who volunteers his time.
19. For those reasons, it was appropriate that any suspension be wholly deferred, unless another formal complaint is made against XXXXXX in the ensuing four weeks.
20. As each charge arises out of the same set of circumstances the principal of totality ought to be applied.
21. The Tribunal has considered its By-Laws.
22. The Tribunal expects that XXXXXX will reflect on the standards required of XXXX to play basketball and be seen as respected role model and ambassador for XXXXX, XXX family, club and the association.

Signature of all Judiciary Members

_____ Chair

_____ Member _____ Member

Dated _____

Conduct of A Judiciary Hearing and BA By-Laws

As identified by BQ, the conduct of a judiciary should be drawn from the By-Laws of BA a copy of the relevant section which are attached below.

Part 3 Conduct of Tribunal hearing

12. Attendance at Tribunal hearings

12.1 The following persons shall be required to attend a Tribunal hearing conducted under this By-law:

- (a) the charged person;
- (b) the president, secretary or other delegate representing a charged team or club;
- (c) the reporting official(s);
- (d) any other person involved in the report;
- (e) witnesses as indicated by the reporting official or charged person to be notified by the officer designated under clause 10.1;
- (f) any witness required by the Tribunal.

12.2 The following persons shall be entitled to attend a Tribunal hearing as appropriate:

- (a) any player of a charged team or club;
- (b) witnesses called to give evidence by a charged person, team or club;
- (c) witnesses called to give evidence by the reporting official(s);
- (d) any adult adviser to a charged person or reporting official.

12.3 The following persons shall be entitled to attend a Tribunal hearing with the permission of the Tribunal:

- a. Organising Body and/or Constituent Association representatives;
- b. approved representatives of the media;
- c. any other person.

12.4 Legal representatives or advocates are permitted to appear before the Tribunal where leave to appear has been granted by the Tribunal chairperson.

13. Non-attendance at Tribunal hearings

13.1 If any charged person (or representative of a charged team or club) fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination made by the Tribunal in the absence of the charged person, team or club, provided that the Tribunal is satisfied that all notification procedures under this By-law have been carried out.

13.2 A charged person, team or club or reporting official may apply to the Hearings Officer to have a Tribunal hearing adjourned if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. This will be at the discretion of the Hearings Officer (or the Tribunal if already convened) and if the application is granted a new date shall be fixed.

13.3 A charged person who is unable to attend a Tribunal hearing shall be entitled to appoint a representative (who is not a legal practitioner) to appear in his/her place if that charged person intends on pleading guilty, subject to the Tribunal receiving a letter of consent from the charged person containing the person's guilty plea to the charges contained in the report and any statement that person would have given to the Tribunal had he or she attended the hearing.

13.4 If any witness fails to attend a Tribunal hearing, the hearing may continue in their absence.

13.5 If a reporting official fails to attend a Tribunal hearing without reasonable cause, the hearing may proceed and a determination made by the Tribunal in the absence of the reporting official, provided that the Tribunal is satisfied that all notification procedures under this By-law have been carried out.

13.6 If a reporting official or Organising Body official inadvertently fails to carry out any duties listed in clause 10, the charges shall not be dismissed for this reason, but may be adjourned to allow the omission to be rectified. Where appropriate, the Tribunal shall take the failure into account and make suitable allowance.

14. Tribunal hearing Conducted Via Teleconference

14.1 A charged person, team or club may apply to the Tribunal chairperson to have a Tribunal hearing conducted by telephone conference call or other technology if there are compelling circumstances which warrant such steps being taken to avoid costs, hardship or significant inconvenience to the charged person, team or club. In all other respects the procedure of the Tribunal hearing shall be conducted in accordance with this By-law. The same rights should be available to the reporting person and/or other witnesses.

15. Procedures of the Tribunal

15.1 For the purpose of this clause 15, a reference to a charged person includes a reference to the representative(s) of a charged team or club.

15.2 In the event of a team or club being reported, one (1) member of the team or club shall act as spokesperson for the team or club provided that an individual member of that team or club may elect to speak on their own behalf.

15.3 At the commencement of a hearing, the chairperson shall identify the members of the Tribunal and determine whether the charged person is present to answer the charge(s) set out in the report.

15.4 The charged person shall be asked whether they accept the members of the Tribunal as impartial and independent, or whether they wish to raise any objection in relation to any member. If the objection is found by the Tribunal to be valid, then the Tribunal member shall stand down for the duration of the hearing.

15.5 The charged person and the reporting official(s) shall be notified of their right to remain in the hearing until all evidence is presented but not to be present whilst the Tribunal considers its findings and determines an appropriate penalty (if any).

15.6 The chairperson shall advise all those persons present of the method of recording the hearing.

15.7 The charge(s) as contained in the report shall be read out in the presence of all persons eligible to be present.

15.8 The charged person shall be asked whether the charge is understood and the reporting official asked whether the charge correctly represents their intention.

15.9 The charged person shall be asked to indicate whether they:

- a. Admit the charges;
- b. Admit part of the charges but wish to bring other evidence;
- c. Deny the charges.

15.10 If the charged person admits the charge(s), the chairperson may read a short summary of the facts, admit the reporting official's evidence (written/verbal) and no witnesses need be called to give evidence unless the Tribunal requires it.

15.11 If the charged person admits part of the charges the chairperson may read a short summary of the facts and ask the charged person to identify what is admitted. Those facts will then be accepted by the Tribunal and no witnesses need be called to give evidence on those matters unless the Tribunal requires it.

15.12 If the charged person denies the charges then the chairperson shall ask all witnesses except the reporting official(s) and the charged person (and their advisers if appointed in accordance with this by-law) to leave the room and to wait to be called to give their evidence. An adviser may not also be a witness.

15.13 The reporting official shall proceed to give evidence and the witnesses of the reporting official(s) shall be called upon to give his/her evidence in turn, subject to the approval of the number of witnesses to be called by the Tribunal in its discretion. The charged person or his/her adviser may ask questions of the reporting official or any witness called.

15.14 Each witness shall be entitled to leave the Tribunal hearing after giving evidence unless otherwise directed by the Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Tribunal.

15.15 The charged person shall then be entitled to present their defence. Witnesses may be called subject to the approval of the number of witnesses to be called by the Tribunal in its discretion. Reporting officials or the adviser to a reporting official who is a minor may ask questions of the charged person or any witness called.

- 15.16 The Tribunal is empowered to question any person giving evidence.
- 15.17 Where a person exercises their right to have an adult adviser present in accordance with this by-law, an opportunity for consultation shall be provided.
- 15.18 Video evidence may be presented at the absolute discretion of the Tribunal.
- 15.19 At the conclusion of all of the evidence and submissions the chairperson shall ask the charged person, the reporting official and all other persons present to leave the hearing room while the Tribunal considers its findings.
- 15.20 If the Tribunal is not satisfied that a particular charge has been proved, but is satisfied that a lesser charge has been established, then the Tribunal may find such lesser charge established and shall apply a penalty applicable to the lesser charge.
- 15.21 Where it appears to the Tribunal that the reporting official has made an error in laying the wrong charge or omitted charges that should have been laid, the Tribunal may amend the charges and proceed to make a finding. Further, the Tribunal has the right to direct that a person other than the charged person be charged with an offence under this by-law on the basis of evidence presented before it during the course of conducting a hearing.
- 15.22 Where charges have been amended under clause 15.21, the Tribunal shall adjourn the hearing unless the charged person consents to it proceeding at that time.
- 15.23 The charged person, reporting official and any witnesses may be present when the decision of the Tribunal is given by the Tribunal chairperson. If the charged person is not present the Tribunal chairperson shall ensure that the decision is conveyed to the charged person by the most expedient means.
- 15.24 Subject to clause 15.20, if the Tribunal is satisfied that a charge has been established on the balance of probabilities (ie more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.
- 15.25 If a charge has been found proven by the Tribunal the charged person shall be informed of the finding. Any previous convictions against the charged person should then be laid before the Tribunal.
- 15.26 The charged person is then given the right to make a final statement in relation to previous convictions or other mitigating circumstances before being asked to leave the room a second time. The charged person may, with the consent of the Tribunal Chairman, call witnesses or submit written statements or references for consideration by the Tribunal on the decision of penalty.
- 15.27 The Tribunal shall then determine the penalty to be imposed (if any) and shall recall the charged person and reporting official to advise of the penalty.
- 15.28 The Tribunal is not obliged to give reasons for any decision made by it under this By-law.
- 15.29 A charged person who has been convicted of an offence and received a penalty under this By-law shall not play, coach, referee or otherwise take part in basketball activities as directed by the Tribunal until the penalty has been served to the satisfaction of the Organising Body.

However, a decision of the Tribunal does not prevent a person carrying out duties directly related to their employment.

Penalties

The By-Laws of Basketball Queensland (BQ)

As identified by BQ, penalties should be drawn from the By-Laws of BA a copy of the relevant section which is attached below.

Part 4 Offences and Penalties

16.1 Clause 16.3 sets out the standard offences and maximum penalties to be applied where a charge has been established by a Tribunal.

16.2 For the purposes of this By-law, penalties for many offences which are established by a Tribunal shall be divided into two separate categories:

- a. penalties for offences involving persons other than officials ("Group A offence"); and
- b. penalties for offences involving an official ("Group B offence")

16.3 Offences and penalties

- a. Disputing the decision(s) of a referee
Maximum penalty: 6 weeks suspension
- b. Unsportsmanlike behaviour
Maximum penalty: 6 weeks suspension
- c. Breach of Code of Conduct
Maximum penalty: 6 weeks suspension
- d. Attempting to trip
A – Maximum penalty: 10 weeks suspension
B – Maximum penalty: 20 weeks suspension
- e. Tripping
A – Maximum penalty: 10 weeks suspension
B – Maximum penalty: 52 weeks suspension
- f. Obscene gestures
A – Maximum penalty: 10 weeks suspension
B – Maximum penalty: 20 weeks suspension

- g. Offensive language (which may include abusive, obscene or insulting language)
 - A – Maximum penalty: 10 weeks suspension
 - B – Maximum penalty: 20 weeks suspension
- h. Attempting to strike
 - A – Maximum penalty: 10 weeks suspension
 - B – Maximum penalty: 52 weeks suspension
- i. Striking (fist, hand, object, head)
 - A – Maximum penalty: 52 weeks suspension
 - B – Maximum penalty: life-time suspension
- j. Attempting to elbow
 - A – Maximum penalty: 10 weeks suspension
 - B – Maximum penalty: 52 weeks suspension
- k. Elbowing
 - A – Maximum penalty: 20 weeks suspension
 - B – Maximum penalty: life-time suspension
- l. Fighting
 - A - More than 2 players: Maximum penalty 20 weeks suspension
- m. Attempting to kick
 - A – Maximum penalty: 10 weeks suspension
 - B – Maximum penalty: 52 weeks suspension
- n. Kicking
 - A – Maximum penalty: 20 weeks suspension
 - B – Maximum penalty: life-time suspension
- o. Spitting
 - A – Maximum penalty: 10 weeks suspension
 - B – Maximum penalty: 52 weeks suspension
- p. Moving under an airborne player (tunnelling)
 - A - Maximum penalty: 104 weeks suspension
- q. Putting a person in fear of impending violence
 - A – Maximum penalty: 52 weeks suspension
 - B – Maximum penalty: 104 weeks suspension
- r. Coaching, refereeing, playing, score bench duties while under suspension
 - A - Minimum penalty: 2 weeks per game plus the suspension period.
 - B - Maximum penalty: 5 weeks per game plus the suspension period
- s. Deliberately endangering the safety, health, of the players, spectators, officials (incidents involving blood/body fluids)
 - A - Maximum penalty: life-time suspension

- t. Conduct which brings the game of Basketball into disrepute
A - Maximum penalty: 19 weeks suspension
- u. Failure to attend Tribunal without proper cause when notified
A - Maximum penalty: 20 weeks games suspension
- v. Failure to co-operate in, or hindering an investigation or hearing under these by- laws.
A - Maximum penalty: 20 weeks suspension
- w. Intimidating or bullying a person or attempting to do so
Maximum penalty: 52 weeks suspension
- x. Public criticism of officials, coaches or players related to basketball activities
Maximum penalty: 20 weeks suspension

16.4 Where charges arising from one particular incident are heard together and the Tribunal finds the person or team guilty of more than one offence, it may impose a single penalty, being not more than the maximum penalty for the total maximum penalties of the offences, or it may impose individual penalties for each offence.

16.5 A penalty handed down under this clause shall commence from the date of the Tribunal finding unless otherwise expressly directed by the Tribunal. Penalties should wherever possible be expressed to be calendar weeks as opposed to number of matches. The Tribunal has the discretion to rule that a penalty will be suspended for the number of weeks which fall between seasons or during any season break or for other reason such as intended absence of the person overseas or interstate.

16.6 Where a Tribunal imposes more than one period of suspension, it may impose them to be served concurrently or cumulatively or partly concurrently and partly cumulatively.

16.7 Persons on a first offence shall have this considered when assessing the penalty to be handed down.

16.8 A Tribunal may consider a charged person's prior convictions in determining a penalty to be handed down provided the penalty does not exceed the maximum penalties assigned to offences under clause 16.3.

16.9 The Tribunal has the discretion to rule that a penalty apply only in relation to a particular competition, however this shall only be done in exceptional circumstances.

- a The Tribunal has the discretion to apply suspended sentences as part of a penalty provided that they do not exceed the maximum penalties assigned to offences under clause 16.3. It is recommended that suspended sentences remain in place for a period of 12 months.
- b If a charged person faces another Tribunal in the period in which the suspended sentence is in place (i.e. 12 months) and is found guilty the suspended sentence will be added to whatever penalty is handed down. (QLD)