

**QUEENSLAND RIFLE ASSOCIATION
DISCIPLINARY TRIBUNAL
POLICY**



**ADOPTED BY THE QUEENSLAND RIFLE
ASSOCIATION BOARD ON 26/9/2014**

REVIEW HISTORY OF QRA MEMBER PROTECTION POLICY

Date Adopted by the QRA Board	26/9/2014
Date Member Protection Policy Effective	26/9/2014
Amended	Previously - Codes of Conduct and Disciplinary Procedures By-Law
Reviewed	24/11/2016
Amended	

QRA Disciplinary Tribunal policy

1. Establishment of Disciplinary Committee

- 1.1 The Board shall:
- 1.2 Consider the existence of prima facie evidence before allowing any matter to proceed further;
- 1.3 Consider the appropriate action for review of evidence and provide opportunity for the defence of allegations, e.g. dismiss frivolous, trivial and vexatious allegations; conduct mediation or call a disciplinary tribunal hearing;
- 1.4 Establish a Disciplinary Committee if required by 1.3, to conduct disciplinary hearings regarding alleged breaches of the Codes of Conduct.

2. Composition of Disciplinary Committee

- 2.1 A Disciplinary Committee Panel of five (5) persons shall be appointed by the Board for the purpose of considering allegations of Code of Conduct breaches under this By-Law. Three (3) members of the Disciplinary Committee Panel should constitute a quorum for the Disciplinary Committee. The Disciplinary Committee shall also appoint or elect a member of the Disciplinary Committee to act as the Chairperson of the Disciplinary Committee Panel and for the Disciplinary Committee for each hearing.
- 2.2 No member of the Board shall be appointed to the Disciplinary Committee.
- 2.3 A person who has been directly involved in or affected by the matter in dispute, or where a conflict of interest would otherwise arise, shall not be eligible to be a member of the Disciplinary Committee which hears the matter in dispute.

3. Notice of Alleged Breach

- 3.1 Where the Board is advised and considers that prima facie evidence exists that a Member, official, competitor, spectator, service provider, employee, volunteer of QRA and/or any other person associated with any activity or event held by or sanctioned by QRA has allegedly:
 - 3.1.1 breached, failed, refused or neglected to comply with a provision of the Rules, By-Laws or any resolution or determination of the Board;
 - 3.1.2 breached the Codes of Conduct of QRA;
 - 3.1.3 brought QRA and/or the sport of target shooting into disrepute;the Board shall appoint a Disciplinary Committee in accordance with Rule 2 of Part B of this By-Law.
- 3.2 The Secretary of QRA shall, as soon as practicable following the appointment of a Disciplinary Committee, serve on the Member a notice in writing:
 - 3.2.1 setting out the specific details of the alleged breach by the Member;
 - 3.2.2 setting out the facts and grounds on which the alleged breach is based;
 - 3.2.3 stating that the Member may address the Disciplinary Committee at a hearing to be held not later than 28 days after service of the notice;
 - 3.2.4 stating the date, place and time of that hearing;

3.2.5 informing the Member that he or she may do one or more of the following:

3.2.5.1 attend the hearing;

3.2.5.2 give the Disciplinary Committee, before the date of that hearing, a written statement regarding the alleged breach;

3.2.6 informing the member that if they do not attend the hearing and/or provide a written statement prior to the hearing, the hearing will proceed and the matter will be determined in their absence.

3.3 Despite Rule 3.2.3 of Part B of this By-Law, the hearing may be held at any other time that the Secretary, Chairperson of the Disciplinary Committee and the Member agree.

4. Disciplinary Hearing Procedures

4.1 At a hearing the Disciplinary Committee shall:

4.1.1 give the Member every opportunity to state their defence;

4.1.2 give other aggrieved parties and any witnesses the right to present evidence or submit a written statement;

4.1.3 give due consideration to any written statement submitted by the Member; and

4.1.4 by majority resolution determine whether the alleged breach occurred.

4.2 Neither QRA nor the Member shall be entitled to any legal representation (legal or otherwise) but with the leave of the Disciplinary Committee may be represented by another at the hearing, but if the hearing relates to an alleged breach by a Junior Member then the Junior Member shall be entitled to be represented by his or her parent or guardian but the Junior Member must be present.

4.3 The Disciplinary Committee shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise).

4.4 The Disciplinary Committee will make its decision immediately following the conclusion of the hearing if possible, but otherwise it shall deliver its decision and reasons to the Member and the Board within fourteen (14) days of the hearing.

4.5 If the Disciplinary Committee considers that the alleged breach did not occur, the matter shall be dismissed.

4.6 If the Disciplinary Committee considers that the alleged breach occurred, it may impose any one or more of the penalties set out in Rule 5 of Part B of this By-Law.

4.7 Each party shall be responsible for their own costs associated with the Disciplinary Committee hearing. The Disciplinary Committee has the discretion to negotiate reimbursement of costs to a party.

5. Penalties

5.1 If the Disciplinary Committee considers that the alleged breach occurred, the Disciplinary Committee may impose any one or more of the following penalties:

5.1.1 impose a warning;

5.1.2 reprimand the Member;

5.1.3 direct the Member to make a verbal or written apology;

- 5.1.4 where there has been damage to property, negotiate payment of compensation to the relevant person or organisation that controls or has possession of the damaged property;
- 5.1.5 withdrawal of any awards, placings, records or achievements bestowed upon the Member in any tournaments, activities or events held or sanctioned by QRA;
- 5.1.6 direct that any funding granted or given to the Member by QRA cease from a specified date;
- 5.1.7 direct that any rights, privileges and benefits provided to that Member by QRA be suspended for a specified period and/or terminated;
- 5.1.8 suspend the Member from membership of QRA for a specified period;
- 5.1.9 expel the Member from QRA; and
- 5.1.10 any other reasonable penalty that the Disciplinary Committee considers appropriate.

6. Right of Appeal from Decision of Disciplinary Committee

- 6.1 QRA or a Member may only appeal against a decision of a Disciplinary Committee on one or more of the following grounds of appeal:
 - 6.1.1 Significant new or additional evidence has become available;
 - 6.1.2 The penalty imposed by the Disciplinary Committee is not in accordance with the provisions of this By-Law;
 - 6.1.3 The penalty imposed by the Disciplinary Committee is manifestly excessive; or
 - 6.1.4 The Disciplinary Committee failed to substantially follow the procedures or requirements of this By-Law and this failure caused a significant detriment to the party seeking the appeal.

7. Notice of Appeal

- 7.1 A person seeking to appeal a decision of the Disciplinary Committee ("the Appellant") must lodge a notice stating full details of the grounds of appeal ("the Notice of Appeal") with the Secretary of QRA within fourteen (14) days receiving notice of the decision of the Disciplinary Committee.

8. Appeals Tribunal

- 8.1 Upon receipt of a valid Notice of Appeal, the Board shall convene an Appeals Tribunal to hear and determine the appeal in accordance with this By-Law.
- 8.2 The Appellant shall be notified within twenty eight (28) days of receipt of the Notice of Appeal of the time, date and place of the appeal hearing.
- 8.3 The Appeals Tribunal shall consist of three (3) people appointed by the Board to hear the appeal. The Board shall also appoint a member of the appeals tribunal as the Chairperson. Three (3) members of the Appeals Tribunal shall constitute a quorum
- 8.4 No member of the Board shall initially be appointed to the Appeals Tribunal, but if there is a vacancy on the Appeals Tribunal at the time of the hearing then this position may be filled by a member of the Board.
- 8.5 A person that has been directly involved in or affected by the matter in dispute or who was a member of the Disciplinary Committee that originally decided the matter or where a conflict of interest would otherwise arise, shall not be eligible to be a member of the Appeals Tribunal.

9. Appeals Tribunal Procedures

- 9.1 The Appeals Tribunal and persons appearing before it are bound by the same procedures under Rule 4 of Part B of this By-Law as if the Appeals Tribunal was a Disciplinary Committee hearing a matter at first instance.
- 9.2 The Secretary shall forward records of the Disciplinary Committee hearing in which the matter the subject of the appeal was heard at first instance to the Chairperson of the Appeals Tribunal.
- 9.3 The appeal hearing shall be a re-hearing of the disputed matters itemised in the appeal.
- 9.4 The Appeals Tribunal may request further information prior to determining the appeal and it has discretion as to whether or not new evidence may be allowed.
- 9.5 An Appeals Tribunal shall have the power to:
 - 9.5.1 dismiss the appeal;
 - 9.5.2 uphold the appeal;
 - 9.5.3 impose any of the penalties set out in Rule 5 of Part B of this By-Law; and/or
 - 9.5.4 reduce, increase or otherwise vary any penalty imposed by the Disciplinary Committee.
- 9.6 Within 7 days of the conclusion of the appeal hearing, the Chairperson of the Appeals Tribunal shall ensure that the Appellant and the QRA President are notified of the decision of the Appeals Tribunal.
- 9.7 The Appeals Tribunal shall be required to provide reasons for its decision.
- 9.8 Each party to an appeal shall be responsible for their own costs.

10. Single Right of Appeal

- 10.1 There is only one right of appeal following the decision of the Disciplinary Committee hearing, which is the right provided under Rule 7 of Part B of this By-Law.
- 10.2 Any appeal must be solely and exclusively resolved by the Appeals Tribunal and the decision of the Appeals Tribunal is final and binding on the parties.

11. Exhaust Internal Appeal

- 11.1 A Member must exercise the right of appeal under this By-Law and have any appeal heard and determined by the Appeals Tribunal before commencing any proceedings or becoming a party to any proceedings in a court of law.