



# By Laws

New South Wales Baseball League Inc.

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## BY-LAWS OF THE NEW SOUTH WALES BASEBALL LEAGUE INCORPORATED (“THE LEAGUE”)

### **1.0 DEFINITIONS**

1.1 For the purposes of these By-laws and the expressions therein used, the same meaning and effect is intended of those terms as is set out in Clause 4.1 of the Constitution unless the contrary intention appears.

1.2 Without limiting the foregoing the additional words and expressions have the following meaning for the purposes of these By-laws, unless the contrary intention appears:

**“Alternate Delegate”** means that representative of any Voting affiliate as duly notified to the League within 7 days of any properly convened meeting of a Standing Committee

**“CEO”** means the Chief Executive Officer of the League.

**“Competition”** means, with respect to the Sydney Metropolitan Area, a series of games of Baseball played, between teams of similar composition, over a period of not less than eight (8) weeks and comprising a minimum of six (6) teams. With respect to those areas outside the Sydney metropolitan Area, means any organised baseball activity collectively involving at least two teams or more over a period of not less than 8 weeks.

**“Country Competitions”** means all Baseball competitions or tournaments, including representative fixtures of any age group or sex conducted by the Country League Standing Committee established pursuant to these By-Laws.

**“Constitution”** means the Constitution of the League.

**“Delegate”** means that representative of a Voting Affiliate nominated and accepted by the League to represent the Voting Affiliate at any properly convened meeting of the League or any of its Standing Committees.

**“Documents”** means writings, emails, letters, correspondence, notes, memoranda, CDs, CD- ROMs, computer files on hard or soft disk, microfiche, and microfilm or other information or data source.

**“Junior League Competitions”** means, with respect to the Sydney Metropolitan area, a series of games of Baseball, ‘T’ Ball or other modified forms of games conducted on a competitive basis and played between teams of similar composition over a period of not less than eight (8) weeks and comprising a minimum of six (6) teams in each of the five recognized age groups being Under 8’s, Under 10’s, Little League, Under 14’s and Under 16’s.

**“League”** means the New South Wales Baseball League.

**“Member”** means, in addition to the types and classes of members referred to in the meaning in the Constitution, Associate Members.

**“Member Protection Policy”** means the Policy as amended from time to time called the Member Protection Policy which has been adopted by Baseball NSW and is binding upon all Members and which outlines the procedures that support Baseball NSW’s commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour

**“Official Rules of Baseball”** means the Official (5<sup>th</sup> Edition) Australian Baseball Rules as published by the Australian Baseball Federation 2005 and as subsequently amended from time to time.

**“Office Bearer”** means any person elected by a Delegate of a Voting Affiliate to be an Office Bearer of a Standing Committee of the League. Collectively, the Office Bearers of any Standing Committee shall be referred to as the Executive of the Standing Committee.

**“Quorum”** means a majority of Office Bearers in attendance at any properly convened meeting of the League or any of its committees, including Standing Committee.

**“Senior Baseball”** means a Competition played by teams consisting of persons aged 16 years or over.

**“Technical Committee”** means the Technical Committee established pursuant to these By-laws.

**“Tribunal Committee”** means the committee established pursuant to these By-laws for the discipline of Members.

**“Voting Affiliate”** means the definition contained in the League’s Constitution

## **2.0 AUDIT COMMITTEE**

**2.1** Pursuant to Clause 34.4 of the Constitution, the League establishes by these By-laws and its Constitution an Audit Committee.

### **2.2 *Responsibilities and Powers***

In addition to the roles set out in Clause 34.4(a)-(e) inclusive on page 29 of the Constitution, the Audit Committee is established:

- 2.2.1** To advise the Board of any event, matter or thing which in its opinion represents a breach or possible breach of the Constitution or these By-laws including any irregularity it may detect. The Audit Committee’s role is to advise the Board of the League and report to it, and not to communicate opinions or findings direct to other Members of the League. In reviewing any matter under the Constitution or performing the role set out in the Constitution, the Audit Committee shall only have such powers as are provided herein or in the Constitution or as otherwise granted to the Audit Committee by the Board from time to time. Specifically, the Audit Committee can call for any such Documents from Voting Affiliates, Members, Standing Committees or Regional Association or Affiliated Club as it sees fit so as to properly discharge its obligations under the Constitution and to the Board.
- 2.2.2** To conduct such further investigations, enquiries and research so as to assist the growth of the sport of Baseball within New South Wales including but not limited to the establishment of emerging associations including Country and Women’s Associations playing competitions within New South Wales.
- 2.2.3** To respond to any request for information, data or other statistical information from any Standing Committee concerning player numbers and demographic information that may reasonably assist that Standing Committee in the discharge of its duties under the Constitution, or these By-laws.
- 2.2.4** To collate, maintain and monitor the database of all registered players, Associations and other interested parties in Baseball within New South Wales and keep that database as up to date as possible.
- 2.2.5** To provide written reports to the Board when requested by the Board or of its own volition and provide written opinions or reports to the Strategic Council of any opinion, recommendation, or conclusion the Audit Committee reaches following upon any investigation, collection of data or analysis of that data, that it may form or make so as to assist the Board and/or the Strategic Council in the planning and good governance of the sport of Baseball in New South Wales.

2.2.6 To appoint a Returning Officer who may be one of the members of the Audit Committee for the proper conduct of the votes held at a General Meeting or any other voting of the League including the calling for nominations, receiving those nominations and the tallying of votes cast and generally conducting all aspects associated with voting procedures of the League, its Constitution and these By-laws. If the Audit Committee is of the view that it is appropriate in an election of directors of the League to be conducted that an independent Returning Officer be engaged to conduct such election then the Board, should it accept and agree with the Audit Committee shall appoint the New South Wales Electoral Commissioner to conduct such elections.

2.3 For the purposes of Clause 8.3(a) of the Constitution, in assessing an application to the League for membership as a Voting Affiliate, by a Regional Association or other body to be admitted to membership as a Voting Affiliate, the Audit Committee shall pay particular regard as to whether the particular applicant conducts or proposes to conduct a Competition. The report of the Audit Committee to the League in relation to any application for membership as a Voting Affiliate, where that applicant does not, or does not propose to conduct a Competition, shall only make a favourable recommendation, if the Audit Committee is of the view that special and extenuating circumstances apply.

2.4 In the discharge or performance of any of the obligations, duties and powers set out in these By-laws or in the Constitution, including any research or investigations conducted by the Audit Committee and any information obtained by it, whether by the database, through the Standing Committees or through any other source shall be treated as privileged and not divulged to any other party without the express written permission of the Board or the consent of the party providing that information.

#### 2.5 ***Constitution of the Audit Committee***

2.5.1 The Board shall appoint a minimum of two (2) and maximum of five (5) persons who are Members of the League as Members of the Audit Committee. The CEO of the League may be appointed to the Audit Committee provided there are at least two (2) Members of such Committee other than the CEO appointed by the Board.

2.5.2 On or about the first meeting of the Board, following each Annual General Meeting or as soon as practicable thereafter, the Board shall appoint the Audit Committee from nominations received. Nominations shall be invited by the CEO at least thirty (30) days prior to the Annual General Meeting. The Board may call any of the nominated candidates for interview. Provided that there is no compulsion on the Board or its nominees to interview all such nominated candidates, within twenty-one (21) days of the completion of the last such interview, the nominated members of the Committee shall be announced to the Members of the League.

2.5.3 If insufficient nominations are received by the Board or the CEO, the Board may approach and appoint any Member considered appropriate or suitable for appointment to the Audit Committee, provided that Member consents to such appointment.

2.5.4 If any or all of the nominated candidates are found to be unsuitable by the Board or its nominees charged with the responsibility of conducting the interviews of such candidates, then the Board is not compelled to appoint any of these nominated candidates and may call for further nominations.

2.5.5 Without limiting any of the discretions or powers of the Board in appointing nominated candidates or other persons to the Audit Committee, the Board shall have regard to the candidate's background and understanding and experience in Baseball administration and financial matters, generally.

2.5.6 Appointments to the Audit Committee shall be for a period of one (1) year only, however appointed members of the Audit Committee may nominate for reappointment by submitting a nomination when nominations are called for.

### **3.0 TECHNICAL COMMITTEE**

3.1 Pursuant to Clause 34.1 of the Constitution, the League establishes, by these By-laws and its Constitution, the Technical Committee.

#### **3.2 *Responsibilities and Powers***

Without limiting the generality of the foregoing, the Technical Committee is responsible for:

- 3.2.1 The interpretation of the Official Rules of Baseball with regard the conduct of Competitions in New South Wales and implementing as far as practical consistent rules across all competitions;
- 3.2.2 Making resolutions and issuing directions concerning acceptable equipment;
- 3.2.3 Managing and implementing procedures and programs for the development and training of umpires;
- 3.2.4 Managing and implementing procedures and programs for the development and training of scorers;
- 3.2.5 Management and implementation of procedures of the League's Tribunal
- 3.2.6 Management and implementation of procedures for handling protests and disputes made to the League.
- 3.2.7 Regular liaison and Consultation with the High Performance Committee. This will be the responsibility of the Chairman of each respective committee;
- 3.2.8 Consideration and implementation of national policies as devised by the National Sporting Organisation or any Government body;
- 3.2.9 Making resolutions and issuing directions concerning ALL Rule Changes and Competition Restructures;

3.3 The Technical Committee is to perform the above roles and responsibilities in a co-operative manner with the Board, the League, other Committees and particularly all Standing Committees taking, where necessary and appropriate, submissions and input from such Committees and the Board to assist in performing the roles and duties set out above.

3.4 The Technical Committee must provide written reports to the Board when required by the Board or of its own volition and provide written opinions or reports to the Strategic Council of any opinion, recommendation or conclusion of the Technical Committee and policy it decides upon in relation to any significant issue concerning the performance of the role set out above, and the sport of Baseball generally.

#### **3.5 *Constitution of the Technical Committee***

3.5.1 The Board shall appoint the following committee members and ex-officio positions, or their suitably qualified representative, to the Technical Committee: Members

- 3.5.1.1 The CEO of the League
- 3.5.1.2 BNSW Director – High Performance Portfolio Manager
- 3.5.1.3 BNSW High Performance Manager;
- 3.5.1.4 BNSW Country High Performance Manager;
- 3.5.1.5 BNSW Coaching and Accreditation Manager;
- 3.5.1.6 High Profile ex Player Ex-officio
- 3.5.1.6 High Profile Metropolitan Coach
- 3.5.1.7 A representative on behalf of the NSW Scorers and NSW Umpire's association

3.5.2 The League's CEO shall be the Chairman of the Technical Committee.

- 3.6 A quorum of four (4) members, other than the COO and Director, shall constitute a meeting of the technical committee.
- 3.7 Each member of the Technical Committee other than the ex-officio positions shall be entitled to one vote. Should a resolution not be agreed upon by the members of the Technical Committee, the chairman will cast the deciding vote.
- 3.8 On or about the first meeting of the Board following each Annual General meeting, or as soon as practicable thereafter, the Board shall appoint the Technical Committee from the nominations received. Nominations shall be invited by the CEO at least thirty (30) days prior to the Annual General Meeting. The Board may call any of the nominated candidates for an interview. Provided that there is no compulsion on the Board or its nominee to interview all such nominated candidates, within 21 days following the completion the Annual General Meeting, the nominated Members of the Technical Committee shall be announced to the Members of the League.
- 3.8.1 Notwithstanding the Board's ability to appoint ex-officio positions, each candidate shall submit a nomination annually in term of clause 3.10 above to confirm their individual willingness to accept the appointment, or alternatively, to recommend their suitably qualified representative.
- 3.8.2 The Board or the CEO, the Board may approach and appoint any Member considered appropriate or suitable for appointment to the Technical Committee provided that Member consents to such appointment.
- 3.8.3 If any, or all, of the nominated candidates are found to be unsuitable by the Board or its nominees charged with the responsibilities of conducting the interviews of such candidates, then the Board is not compelled to appoint any of these nominated candidates and may call for further nominations.
- 3.8.4 A casual vacancy in the position of any member of the technical committee shall be filled by the existing members and ex-officio positions until the next Annual General Meeting of the League. If the term of the member has not expired, the members and ex-officio shall fill the vacancy for the remainder of the term. Any member casual vacancy may be filled by the remaining members and ex-officio from among appropriately qualified persons, for the remainder of the member's term.
- 3.9 Without limiting any of the discretions or powers of the Board in appointing nominated candidates or other persons to the Technical Committee, the Board shall have regard to the candidate's background, understanding and experience in the Sport of Baseball, its administration and the skills necessary to play Baseball at the highest level.
- 3.10 Appointments to the Technical Committee shall be for a period of two (2) Years, however, appointed Members of the Technical Committee may nominate for reappointment by submitting nomination when called upon. Appointments shall be renewable bi-annually as at 30th September every odd year.
- 3.11 The Technical Committee, at its discretion, can formulate a sub-committee to increase their exposure, knowledge and understanding, of any particular matter. The sub-committee carries no voting rights, but can provide recommendations to the Technical Committee, so that the Technical Committee can carry out its functions as stated in 3.2 Responsibilities and Powers.

#### **4.0 HIGH PERFORMANCE COMMITTEE**

4.1 Pursuant to Clause 34.1 of the Constitution, the League establishes, by these By-laws and its Constitution, the High Performance Committee.

#### **4.2 *Responsibilities and Powers***

Without limiting the generality of the foregoing, the Technical Committee is responsible for:

4.2.1 The role of this Committee is to develop players and coaches for the sport of Baseball in New South Wales that are trained and experienced to the highest level possible and to provide, in consultation with the Technical Committee, a consistent policy regarding equipment and rules such that the best possible level of duty of care for maximising performance and minimising injury is maintained during all competitions in New South Wales.

4.2.2 Designing programs and policies with regard to Rules for the protection of players and the prevention of injury (for example pitch limitations)

4.2.3 Designing and planning Junior Development Programs for implementation by the Junior League Standing Committee, Country League Standing Committee and Women's League Standing Committee.

4.2.4 Submitting to the Board for ratification, recommendations for the selection of selectors, coaches and managers for teams representing the League, to in turn select such teams and train and manage those teams.

4.2.5 Implementation and management of all Coach Training and Development programs.

4.2.6 Administration of Coaching Accreditation Programs.

4.2.7 Planning, designing and facilitating Junior Coaching Clinics.

4.2.8 Consideration of national policies and objectives as devised by the National Sporting Organisation or any Government body.

4.2.9 Regularly liaison and Consult with the Technical Committee. This will be the responsibility of the Chairman of each respective committee.

#### **4.3 *Constitution of the High Performance Committee***

4.4 The Board shall appoint the High Performance Committee from the following ex-officio candidates or such other suitably qualified representatives as may be determined from time to time by the Board provided there shall always be a minimum of three (3) appointees

4.4.1 The League's Chief Executive Officer

4.4.2 The League's Manager of High Performance & Baseball Operations

4.4.3 The League's Game Development Manager

4.4.4 The League's Manager of Coaching & Accreditations

4.5 The League's CEO shall be Chairman of this High Performance Committee.

4.6 A quorum of three (3) members shall constitute a meeting of the High Performance Committee.

4.7 Each member of the High performance Committee shall be entitled to one vote with the Chairman casting a deciding vote if required.

- 4.8 The Board may approach and appoint any Member considered appropriate or suitable for appointment to the high Performance Committee provided that Member consents to such appointment.
- 4.9 If any, or all, of the ex-officio appointments are found to be unsuitable by the Board then the Board is not compelled to appoint any of those candidates and may call for nominations.
- 4.10 Without limiting any of the discretions or powers of the Board in appointing nominated candidates or other persons to the High Performance Committee, the Board shall have regard to the candidate's background, understanding and experience in the Sport of Baseball, its administration and the skills necessary to play Baseball at the highest level.
- 4.11 Appointments to the High Performance Committee shall be for a period of one (1) Year only. Appointments shall be renewable annually as at 30<sup>th</sup> September each year.
- 4.12 The High Performance Committee is to perform the above roles and responsibilities in a co-operative manner with the Board, other Committees and particularly all Standing Committees taking, where necessary and appropriate, submissions and input from such Committees and the Board to assist in performing the roles and duties set out above. This principle is especially relevant in connection with nominations received from such standing committees in relation to the Selection of coaches and managers for teams representing the League.
- 4.13 The High Performance Committee must provide written reports to the Board when required by the Board or of its own volition and provide written opinions or reports to the Strategic Council of any opinion, recommendation or conclusion of the High Performance Committee and policy it decides upon in relation to any significant issue concerning the performance of the role set out above, and the sport of Baseball generally.

## **5.0 VOTING PROCEDURES FOR ELECTED DIRECTORS**

- 5.1 For the purposes of Clause 27.2(d) of the Constitution, where nominations for the available positions of elected directors are equal to or less than the available positions, a secret ballot shall be called to determine, whether the nominated candidates are elected. For the purposes of this ballot, if a candidate receives a simple majority of votes of those Voting Affiliates eligible to vote he or she shall be deemed elected.
- 5.2 For the purposes of Clause 27.2(f) of the Constitution, an exhaustive ballot shall be constituted by the following procedure:
- 5.2.1 Where the number of nominations exceeds the number of vacancies to be filled, then the successful candidate(s) shall be those candidates that receive the highest number of votes from eligible Voting Affiliates for the available positions. If there are two (2) or more candidates with an equal number of votes after tallying the ballots, for available positions, the provisions of Clause 3.2(b) of these By-laws shall apply for the positions that remain available.
- 5.2.2 Where after a ballot conducted under Clause 5.1 or 5.2 of these By-laws or initially, and, after the secret ballot, no one candidate has an absolute majority of votes, a second ballot shall be called for those candidates with an equal number of votes eliminating the candidate with the least number of votes. This procedure shall be continued until such time as a candidate or candidates secure a majority of the eligible votes from the Voting Affiliates, for the available positions.



5.3 Preferences shall not be permitted to be distributed by any of the candidates and the ballot shall be conducted on a 'first past the post basis'. If no clear successful candidate is evident from any ballot, then the procedure set out in clause 5.2 shall be followed.

## **6.0 STANDING COMMITTEES**

6.1 The Board has resolved to establish the following Standing Committees which shall be constituted and operated in accordance with the Constitution and these By-laws:

6.1.1 Major League Standing Committee;

6.1.2 Junior League Standing Committee;

6.1.3 Country League Standing Committee;

6.1.4 Sydney Winter League Standing Committee;

6.1.5 Women's Standing Committee; and

6.1.6 Minor League Standing Committee.

6.2 The Board shall establish such further or other Standing Committees as considered necessary from time to time.

6.3 At any of the meetings of any of the Standing Committees established by resolution of the Board, that Standing Committee shall have power and authority to pass resolution and exercise the powers and functions provided for in the Constitution and/or these By Laws, if a majority of Office Bearers appointed pursuant to these By Laws are in attendance at that meeting.

6.4 Any Standing Committee shall have power and authority to pass such resolutions and make directions including establishing Office Bearers and sub-committees so as to comply with its obligations and duties as set out above and within the authority granted to it by these By-laws and the Constitution, provided that no such resolution or directions shall exceed its authority as described above and in the Constitution and shall not conflict with, or contradict any authority, intention or direction contained within the Constitution or these By-laws.

6.5 Any Standing Committee shall have power and authority to establish a Tribunal Committee to hear and determine complaints, protests and other disciplinary issues in relation to Members of Affiliated Clubs or Regional Associations including players, officials, administrators and other persons participating in the Competitions conducted by the League's Standing Committee, including the power to suspend persons found to have breached its playing rules from further participation in its competition. All such disciplinary or Tribunal rules shall comply with the general principles of fairness providing a right to be heard to all parties, and observing the principals of natural justice. A mechanism for appeal from the decisions of any Tribunal Committee must be available and can be made to the League.

6.6 The Chairperson of each Standing Committee, or their suitably qualified representative, shall be an ex officio member of the Technical Committee. The Board of the League shall determine whether any nominated representative is suitably qualified.

## **6.7 *Standing Committee Delegates***

- 6.7.1 At the time the League gives notice of the Annual General Meeting of the League, the CEO of the League shall call for nominations from each of the Voting Affiliates to nominate one (1) Delegate to represent the Voting Affiliate at the Standing Committee.
- 6.7.2 Nominations shall close at the conclusion of the League's Annual General Meeting.
- 6.7.3 Within sixty (60) days of the close of nominations, a meeting of each Standing Committee will be held, providing fourteen (14) days prior notice of that meeting, to all Voting Affiliates who participate in the Standing Committee.
- 6.7.4 Nominated Delegates must be approved by the League.
- 6.7.5 At the first meeting of the Standing Committee following the Annual General Meeting of the League, the Delegates of each Voting Affiliate shall vote on the Office Bearers required to administer the business of the Standing Committee.
- 6.7.6 The First Office Bearer elected shall be the Chairperson of the Standing Committee.
- 6.7.7 Delegates then vote to determine the appropriate number of Office Bearer Positions and those nominated Office Bearer candidates.
- 6.7.8 If the number of nominations is the same or less than the number of available positions then the nominated persons shall be appointed unopposed without the need for an election, otherwise the voting procedure to be adopted is as set out in By-law 5.2. For the purposes of these elections the CEO will act as the Returning Officer and conduct the elections.

## **6.8 *Voting Procedures at Standing Committee Meetings***

- 6.9 Each Standing Committee shall consist of not more than one (1) Delegate from each of the Voting Affiliates who participate in the Standing Committee or such other lesser number of Office Bearers as the Delegates of the Standing Committee determine from time to time, provided there are at least five (5) Office Bearers of the Standing Committee at any one time unless otherwise stated.
- 6.10 Each Delegate shall be entitled to one vote with the Chairman casting a deciding vote if required.
  - 6.10.1 Appointments as Office Bearers to the Standing Committee shall be for a period of one (1) year only and end at the conclusion of the Annual General Meeting of the League.
  - 6.10.2 Should any Office Bearer be absent from two consecutive meetings of the executive their position shall be declared vacant and a replacement Office Bearer elected by the Delegates.
  - 6.10.3 Officer Bearers shall be eligible to be reappointed.
  - 6.10.4 To be eligible to be nominated as an Office Bearer for the Standing Committee, the nominee must be an Office Bearer of an Affiliated Association or a Member of an Affiliated Club and cannot be employed by the League or the ABF.
  - 6.10.5 Proxy voting shall be permitted at all Standing Committee meetings provided a proxy form in the form approved by the League from time to time, has been duly completed and executed and is lodged with the Chief Executive Officer at or before the commencement of the meeting.

6.10.6 Proxies shall only be exercised on behalf of Delegates or Office Bearers entitled to vote.

6.10.7 No Representative entitled to vote on behalf of a Delegate or Office Bearer shall exercise more than one proxy vote at any one time.

6.10.8 The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll. A Delegate shall be entitled to instruct the proxy to vote in favour of or against any proposed resolutions.

6.10.9 Unless otherwise instructed the proxy may exercise the proxy vote as the proxy thinks fit.

## **7.0 MAJOR LEAGUE STANDING COMMITTEE**

### **7.1 *Powers and Duties***

7.2 The purpose and main function of the Major League Standing Committee is to conduct and develop the Sydney Major League Competition.

7.3 The Major League Standing Committee shall consist of not more than one (1) Delegate from each of the Voting Affiliates who participate in the Major League Competition

7.4 Without limiting the generality of the foregoing the Major League Standing Committee shall be responsible for:

7.4.1 Developing a strategic plan for the Sydney Major League Competition;

7.4.2 Setting and reviewing the structure framework and format of the Sydney Major League Competition provided that no alteration to the Competition that materially affects any Regional Association of the League playing in its competition by either relegation, promotion or frequency of games shall be implemented without the express written approval of the Board and, if considered necessary by the Board, the sanction of the League at General Meeting.

7.4.3 Establishing and monitoring the implementation and enforcement of the rules for the competition within the official Rules of Baseball and in consultation with the Technical Committee and the High Performance Committee and after taking the advice and recommendations of the Technical Committee and the High Performance Committee into account, and complying with directions.

7.4.4 Preparing and conducting an Annual All Star Game.

## **8.0 JUNIOR LEAGUE STANDING COMMITTEE**

### **8.1 *Powers and Duties***

8.2 The purpose and main function of the Junior League Standing Committee is to co-ordinate and manage the Regional Associations that conduct Junior League Competitions in the Sydney Metropolitan area.

8.3 The Junior League Standing Committee shall consist of not more than one (1) Delegate from each of the Voting Affiliates that conduct Junior League Competitions in the Sydney Metropolitan area.

8.4 Without limiting the generality of the foregoing the Junior League Standing Committee shall be responsible for:

- 8.4.1 Developing a strategic plan for Junior League Competitions in the Sydney Metropolitan area;
- 8.4.2 Setting and reviewing the structure framework and format of the Junior League Competitions in the Sydney Metropolitan area.
- 8.4.3 Establishing and monitoring the implementation and enforcement of the rules for the competitions they conduct within the official Rules of Baseball and in consultation with the Technical Committee and the High Performance Committee and after taking the advice and recommendations of the Technical Committee and the High Performance Committee into account, and complying with directions.
- 8.4.4 Constantly review and develop strategies for the development and increase of player numbers and growing the sport of Baseball amongst the youth of the Sydney Metropolitan area.
- 8.4.5 Implementation and conduct of Winter Development Programs devised by the High Performance Committee for those junior players in the Sydney Metropolitan area.
- 8.4.6 Establishing and conducting representative competitions in Under 12, Under 14 and Under 16 age groups or such other age groups to be determined by the Junior League Standing Committee, comprised of teams from each of the Junior Regional Association Voting Affiliates in the Sydney Metropolitan area in each of those age groups.
- 8.4.7 Establishing and conducting a Club Champion of Champions Competition for appropriate affiliated bodies and age groups with New South Wales to be conducted annually.

## **9.0 COUNTRY LEAGUE STANDING COMMITTEE**

### **9.1 *Powers and Duties***

- 9.2 The purpose and main function of the Country League Standing Committee is to manage, co-ordinate and facilitate the efficient conduct of Affiliated Clubs and/or Regional Associations conducting Country Competitions outside the Sydney Metropolitan Area.
- 9.3 The Country League Standing Committee shall consist of no more than one (1) Delegate from each of the Voting Affiliates who participate in Country Competitions
- 9.4 Without limiting the generality of the foregoing the Country League Standing Committee shall be responsible for:
  - 9.4.1 Developing a strategic plan for the Country League Competitions;
  - 9.4.2 Setting and reviewing the structure framework and format of the Country League Competitions and their affiliated Associations' Members and Clubs.
  - 9.4.3 Establishing and monitoring the implementation and enforcement of the rules for the Country League competitions within the official Rules of Baseball and in consultation with the Technical Committee and after taking the advice and recommendations of the Technical Committee and the High Performance Committee into account, and complying with directions.
  - 9.4.4 Implementation and conduct of junior development programs devised by the High Performance Committee

- 9.4.5 Management and implementation of all coaching and player training and development programs in areas outside the Sydney Metropolitan area.
- 9.4.6 Administration and implementation of coaching accreditation program devised and proposed by the League or the High Performance Committee for Country areas.
- 9.4.7 Appointment as Office Bearer to the Country League Standing Committee shall be for a period of one (1) year only, expiring on the 31st October of each year or within 30 days of the conclusion of the Annual General Meeting of the League, whichever occurs last.
- 9.4.8 Office Bearers shall be eligible to be reappointed.
- 9.4.9 To be eligible to be nominated as an Office Bearer for the Country League Standing Committee, the nominee must be an Office Bearer of an Affiliated Association or a Member of an Affiliated Club from the Country areas of New South Wales, where "Country" means that area of New South Wales outside the Sydney Metropolitan area and cannot be employed by the League or the ABF.

**9.5 Voting at Country League Standing Committee**

- 9.5.1 For the purpose of voting at meetings of the Country League Standing Committee it is agreed the Office Bearers only shall be entitled to one, two or three votes based on the number of financial members of their Affiliated Association registered on the League's official database register according to the last season's Baseball Competitions, as follows:

<b>Playing Members</b>	<b>Votes</b>
Less than or equal to 299	1 vote
300-999	Another vote
Greater than or equal to 1000	A third vote, max 3 in total

- 9.5.2 Proxies are permitted as per Rule 23.1 of the League Constitution.

**10.0 SYDNEY WINTER LEAGUE STANDING COMMITTEE**

**10.1 Powers and Duties**

- 10.2 The purpose and main function of this Standing Committee is to conduct and develop the Sydney Winter League Competition.
- 10.3 The Sydney Winter League Standing Committee shall consist of not more than one (1) Delegate from each of the member clubs which compete in the Sydney Winter League Competition.
- 10.4 Without limiting the generality of the foregoing the Sydney Winter League Standing Committee shall be responsible for:
  - 10.4.1 Developing a strategic plan for the Sydney Winter League Competition;
  - 10.4.2 Setting and reviewing the structure framework and format of the Sydney Winter League Competition provided that no alteration to the Competition that materially affects any Regional

Association of the League playing in its competition by either relegation, promotion for frequency of games shall only be implemented with the approval of the Board and, if thought necessary, with the sanction of the League at General Meeting.

10.4.3 Establishing and monitoring the implementation and enforcement of the rules of its Competition within the official Rules of Baseball and in consultation with the Technical Committee and the High Performance Committee and after taking the advice and recommendations of the Technical Committee into account, and complying with directions.

## **11.0 WOMEN'S LEAGUE STANDING COMMITTEE**

### **11.1 *Powers and Duties***

11.2 The purpose and main function of the Women's League Standing Committee is to conduct and develop the Sydney Women's Competition.

11.3 The Women's League Standing Committee shall consist of no more than one (1) Delegate from each of the Voting Affiliates who participate in the Sydney Women's League Competition, or such lesser other number as the Office Bearers of the Women's League Standing Committee determine from time to time, provided there are at least three (3) office bearers of the Women's League Standing Committee at any one time.

11.4 Without limiting the generality of the foregoing the Women's League Standing Committee shall be responsible for:

11.4.1 Developing a strategic plan for the Sydney Women's Competition;

11.4.2 Setting and reviewing the structure framework and format of the Sydney Women's Competition provided that no alteration to the Competition that materially affects any Regional Association of the League playing in the Sydney Women's Competition by either relegation, promotion or frequency of games shall only be implemented with the approval of the Board and, if thought necessary, with the sanction of the League at General Meeting.

11.4.3 Establishing and monitoring the implementation and enforcement of the rules for the competition within the official Rules of Baseball and in consultation with the Technical Committee and after taking the advice and recommendations of the Technical Committee and the High Performance Committee into account, and complying with directions.

11.4.4 Conduct and manage the Sydney Women's Competition.

11.4.5 Implement and administer junior development programs provided or devised by the Technical Committee, with a view to improving the skills of junior players and increasing player numbers.

### **11.5 *Constitution and Appointment Office Bearers***

11.6 The Women's League Standing Committee shall consist of no more than one (1) representative from each of the Voting Affiliates who participate in the Sydney Women's League Competition, or such lesser other number as the Office Bearers of the Women's League Standing Committee determine from time to time, provided there are at least three (3) office bearers of the Women's League Standing Committee at any one time.

## **12.0 MINOR LEAGUE STANDING COMMITTEE**

### ***12.1 Powers and Duties***

12.2 The purpose and main function of this Standing Committee is to conduct and administer the various affiliated Leagues, or competitions where Senior Baseball is conducted in the Sydney Metropolitan Area which are not under the control, auspices or influence of the Major League Standing Committee, the Sydney Winter League Standing Committee, the Junior League Standing Committee or the Women's Standing Committee and is responsible for establishing and monitoring the implementation and enforcement of the rules for the competition within the official Rules of Baseball in consultation with the Technical Committee and the High Performance Committee after taking the advice and recommendations of the Technical Committee into account, and complying with directions.

### ***12.3 Constitution and Appointment Office Bearers***

12.4 The Minor League Standing Committee shall consist of no more than one (1) representative from each of the Voting Affiliates who participate in the League Competitions under its control, or such other lesser number as the Office Bearers of the Minor League Standing Committee determine from time to time, provided there are at least three (3) office bearers of the Minor League Standing Committee at any one time.

### ***12.5 Independent Leagues***

12.6 Subject to subparagraph 12.7 of this By-law and notwithstanding the other provisions of this By-law 12.0, the Minor League Standing Committee or the League may approve or grant any Voting Affiliate, upon application being made, to provide rules for the conduct of Competitions, provided those Rules are within the general spirit of the Official Rules of Baseball, conduct those competitions and enforce those rules through its own Tribunal, or other governing body without interference from the Minor League Standing Committee or right of appeal to the Minor League Standing Committee or the League as to the sufficiency or adequacy of any decision or ruling of the Tribunal, committee or direction of the particular Voting Affiliate.

12.7 Approval by the Minor League Standing Committee or the League in accordance with sub By-law 12.6 of By-law 12.0 shall only be granted to those Voting Affiliates who can satisfy the Minor League Standing Committee or the League that they have the experience and expertise to make rules for their particular Competitions and adequately enforce and adjudicate on those rules and breaches thereof.

## **13.0 STRATEGIC COUNCIL**

13.1 Strategic Council Meetings shall be held twice every year in accordance with Clause 33 of the Constitution.

13.2 The Strategic Council, at its meetings, shall review the progress of the sport of Baseball in New South Wales and consider planning and development policies for the sport of Baseball in New South Wales. Any resolution of the Strategic Council at which at least fifty percent (50%) of the Voting Affiliates are present, whereby at least sixty six percent (66%) of those present vote for the resolution shall be implemented by the Board. In all other respects, resolutions of the Strategic Council, at its meetings, shall be policy and advisory only.

13.3 The Chairman of the Board shall Chair the Strategic Council Meetings and the CEO shall be the Secretary.

## **14.0 MEMBERSHIP**

### **14.1 *Associate Members***

14.1.1 Pursuant to Clause 7.2 of the Constitution the League has created the additional category of membership of Associate Members.

14.1.2 Associate Members of Voting Affiliates are entitled to be appointed as delegates of the Voting Affiliates for the purposes of Clause 15.1 of the Constitution.

14.1.3 To be eligible for membership as an Associate Member of a Voting Affiliate, the applicant for that category of member must be a parent or guardian of a registered player, playing member or individual member or otherwise make application in writing accompanied by the appropriate fee to the Voting Affiliate. Voting Affiliates may elect to waive the membership fee for Associate Members and otherwise prescribe such rights and entitlements for such Associate members.

### **14.2 *Renewal of Membership***

14.3 Each Voting Affiliate shall re-apply for membership of the League, should it wish to continue as a Voting Affiliate, by submitting an application in writing, together with the appropriate fee, as determined by the League from time to time, no later than 30 September in each year.

14.4 In considering each application for renewal of membership as a Voting Affiliate, the League need not receive a report from the Audit Committee and may renew such membership at its own motion.

14.5 Without limiting the authority and discretion of the League to consider applications for renewal of membership as a Voting Affiliate, there shall be a presumption in favour of renewal of that membership unless the League has evidence or material to suggest that the Voting Affiliate has breached the Constitution, the By-laws and/or the Rules and Constitution of the Voting Affiliates.

14.6 Upon receipt of an Application to be a Voting Affiliate or to renew membership as a Voting Affiliate, the Board shall communicate its decision to the Applicant. If the decision is to reject that Application for membership as a Voting Affiliate or to renew membership as a Voting Affiliate, the Board shall provide to that Applicant written reasons for the decision. If the decision to reject the Application is based on a report from the Audit Committee then a copy of the report shall be provided to the Applicant.

14.7 If the League determines not to renew the membership of a Voting Affiliate, the Voting Affiliate so affected shall have the right to appeal that decision as provided in Rule 16 of these By-Laws



## **15.0 DISCIPLINE OF MEMBERS**

15.1 The League sitting as the Board or by appointment of such Members as it deems appropriate, may create one or more Tribunal Committees (Tribunals) to hear and determine:

15.1.1 breaches or alleged breaches of the Constitution;

15.1.2 breaches or alleged breaches of these By Laws;

15.1.3 breaches or alleged breaches of the Official Rules of Baseball;

15.1.4 breaches or alleged breaches of the League's Member Protection Policy (MPP);

15.1.5 any failure or alleged failure by a Member to comply in full with the terms of any sanction imposed by the League or any Tribunal

15.2 Where the League or a Tribunal, as the case may be, determines that a Member has:

15.2.1 breached the Constitution; or

15.2.2 breached these By Laws; or

15.2.3 breached the Official Rules of Baseball; or

15.2.4 breached the MPP; or

15.2.5 failed to comply in full with the terms of a sanction previously imposed by the League or a Tribunal;

it may impose one or more of the following penalties:

### **15.2.6 Individual**

If a finding is made by the League or a Tribunal that an individual has breached these By-Laws one or more of the following forms of discipline may be imposed.

15.2.6.1 A direction that the individual make a verbal and/or written apology;

15.2.6.2 A written warning;

15.2.6.3 A direction that the individual attend counselling to address their behaviour;

15.2.6.4 A withdrawal of any awards, scholarships, placing's, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Baseball Australia;

15.2.6.5 A demotion or transfer of the individual to another location, role or activity;

15.2.6.6 A suspension of the individual's membership or participation or engagement in a role or activity;

15.2.6.7 Termination of the individual's membership;

15.2.6.8 A recommendation that Baseball Australia terminate the individual's membership;

15.2.6.9 In the case of a coach or official, a direction that the relevant organisation deregister the accreditation of the coach or official for a period of time or permanently;

15.2.6.10 a fine;

15.2.6.11 any other form of discipline that the League or Tribunal considers appropriate.

### 15.2.7 **Organisation**

If a finding is made that a Baseball NSW (BNSW) member or affiliated organisation has breached these By-Laws, one or more of the following forms of discipline may be imposed by the League or relevant Tribunal;

- 15.2.7.1 A written warning;
- 15.2.7.2 A fine;
- 15.2.7.3 A direction that any rights, privileges and benefits provided to that organisation by the national body or other peak association be suspended for a specified period;
- 15.2.7.4 A direction that any funding granted or given to it, by Baseball Australia or BNSW or a peak association cease from a specified date;
- 15.2.7.5 A direction that Baseball Australia, BNSW and peak associations cease to sanction events held by or under the auspices of that organisation;
- 15.2.7.6 A recommendation to the national body and/or the association that its membership of the national body or peak association be suspended or terminated in accordance with the relevant constitution or rules;
- 15.2.7.7 Any other form of discipline that the national body or peak organisation considers reasonable and appropriate

### 15.3 **Factors to consider**

The form of discipline to be imposed on an individual or organisation will depend on factors, such as:

- the nature and seriousness of the breach
- if the person knew, or should have known, that the behaviour was a breach of these By-Laws;
- the person's level of contrition;
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences;
- if there has been any relevant prior warnings or disciplinary action;
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by these By-Laws);
- any other mitigating circumstances.

### 15.4 **TRIBUNAL PROCESS**

The League or Tribunal will follow the steps set out below to hear formal complaints made to the League alleging acts, omissions, facts, matters or circumstances that may constitute a breach of these By-laws, the Constitution, the Official Rules of Baseball, the League's Member Protection Policy or a failure by any Member to comply in full with the terms of a sanction previously imposed by the League or a Tribunal or in the event of the League becoming aware by any means of any such acts, omissions, facts, matters or circumstances or in the event that the Board receives a report from the Audit Committee pursuant to By-Law 2.2.1 hereof.

#### **Preparing for a Tribunal hearing**

15.4.1 The League may, sitting as a Board, or, by creating a Tribunal by the appointment of such Members as it deems appropriate, hear and determine alleged breaches of these By-laws, the Constitution, the Official Rules of Baseball, the League's Member Protection Policy or a failure by any Member to comply in full with the terms of a sanction previously imposed by the League or a Tribunal (Alleged Breach).

15.4.2 For the purposes of this By-Law a formal complaint may be made to the League by a report given by any person to any Board member, the CEO or a Complaints Manager or a Complaints Officer appointed by the League or CEO for that purpose or the League may of its own volition determine that conduct of which it has become aware by any means ought to be investigated or the Board may receive a report from the Audit Committee pursuant to By-Law 2.2.1 hereof.

15.4.3 In the event that the Board, the CEO, the Complaints Manager or a Complaints Officer as the case may be determines that a breach notice should be issued in respect of an Alleged Breach, a notice in the form prescribed in sub-rule 8 below shall be sent to the relevant Member (charged Member) and a Tribunal shall be appointed to hear and determine the disciplinary proceedings. The number of Tribunal panel members required to be present throughout the hearing will be three (3).

15.4.4 For the purposes of these By-Laws, a notice under sub-rule 3 above shall be served by any of the following methods:

- 15.4.4.1 sending it by prepaid mail to the charged Member's last known address notified to the League;
- 15.4.4.2 sending it by email to the charged Member's email address last notified to the League;
- 15.4.4.3 personally handing it to the charged Member.

A notice served by prepaid mail shall be deemed to have been served on the third business day after posting. A notice served by email shall be deemed to have been served at the time the email is sent excepting in the event that the sender receives a notice that transmission of the email has failed.

15.4.5 The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by or on behalf of the League to the charged Member.

15.4.6 The Tribunal hearing will be held as soon as practicable. However, a dequate time must be provided for the charged Member to prepare for the hearing.

15.4.7 The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the Alleged Breach.

15.4.8 The League shall cause the charged Member to be notified in writing that a Tribunal hearing will take place. The notice (Hearing Notice) will contain the following information::

- 15.4.8.1 The right of the charged Member to appear at the Tribunal hearing to defend the Alleged Breach;
- 15.4.8.2 the details of the Alleged Breach, as well as any clause of the Constitution, the By-Laws or any policy or rule that has allegedly been breached;
- 15.4.8.3 the date, time and venue of the Tribunal hearing;
- 15.4.8.4 that either verbal or written submissions can be presented at the Tribunal hearing;
- 15.4.8.5 that witnesses may attend the Tribunal hearing to support the position of the charged Member (statutory declarations of witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing);
- 15.4.8.6 an outline of any possible penalties that may be imposed if the complaint is found to be true;
- 15.4.8.7 that legal representation will not be allowed;

15.4.8.8 that cross examination of the complainant will not be allowed except with leave of the Tribunal. Such leave will not in the ordinary course be given.

15.4.9 If the charged Member is a minor, he or she should have a parent or guardian present. A copy of any information/documents that have been given to the Tribunal panel (e.g. investigation report findings) will be provided to the charged Member. The charged Member will be allowed to participate in all Baseball NSW activities and events, pending the decision of the Tribunal, including any available appeal process, unless the League determines it is necessary to exclude the charged Member from all or some activities and events because of the nature of the Alleged Breach.

15.4.10 The League shall cause a copy of the Hearing Notice to be sent to the complainant. For the purposes of any Hearing Notice issued as a result of the League's own enquiries or a report issued by the Audit Committee, the complainant will be the person issuing the Hearing Notice.

15.4.11 If the complainant believes any details set out in the Hearing Notice are incorrect or insufficient, he or she should inform the League as soon as possible so that the charged Member and members of the Tribunal panel can be properly informed of the details of the Alleged Breach.

15.4.12 If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

## **15.5 Tribunal hearing procedure**

15.5.1 The following people will be entitled to attend the Tribunal hearing:

- Tribunal panel members;
- the charged Member or Members;
- the complainant;
- any witnesses called by the charged Member;
- any witnesses called by the complainant;
- any parent/guardian or support person required to support the charged Member or the complainant

15.5.2 If the charged Member(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.

15.5.3 If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the charged Member(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.

15.5.4 The Tribunal chairperson will inform the League of the need to reschedule the hearing and the League will arrange for the Tribunal to be reconvened and will send to the charged Member an amended Hearing Notice that sets out the newly appointed hearing time and date and any other amendments directed by the Tribunal.

15.5.5 The Tribunal chairperson will read out the Alleged Breach, ask each charged Member if he or she understands the Alleged Breach and if he or she pleads guilty or not guilty to the Alleged Breach.

- 15.5.6 If the charged Member pleads guilty to the Alleged Breach, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures or penalties.
- 15.5.7 If the charged Member pleads not guilty to the Alleged Breach, the complainant will be asked to provide details of all acts, omissions, facts, matters or circumstances in support of the Alleged Breach. This may be done by way of written or oral presentation. The complainant may call witnesses or tender any written, photographic, pictorial or other evidence supportive of the Alleged Breach. The charged Member may question the complainant and any witnesses only with the leave of the Tribunal. The rules of evidence will not apply at the hearing.
- 15.5.8 The charged Member will then be asked to respond to the Alleged Breach. This may be done by way of written or oral presentation. The charged Member may call witnesses or tender any written, photographic, pictorial or other evidence contrary to the Alleged Breach. The complainant may ask questions of the charged Member and any witnesses only with the leave of the Tribunal.
- 15.5.9 The complainant and charged Member (s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
- 15.5.10 The Tribunal may:
- consider any evidence, and in any form, that it deems relevant;
  - question any person giving evidence;
  - limit the number of witnesses presented to those who provide new evidence;
  - reject any written, photographic, pictorial or other evidence submitted by either the complainant or the charged Member without having to state reasons for so doing;
  - require (to the extent it has power to do so) the attendance of any witness it deems relevant;
  - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
- 15.5.11 Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
- 15.5.12 If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
- 15.5.13 At the conclusion of the hearing, the Tribunal will deliberate in private in order to determine whether or not the Alleged Breach has, on the balance of probabilities, been substantiated. As the seriousness of the Alleged Breach increases, so too must the level of satisfaction of the Tribunal that the Alleged Breach has been substantiated. The Tribunal may deliver its decision in this regard at the conclusion of the giving of evidence by both the complainant and the charged Member or reserve such decision until a time and date to be notified to the complainant and charged Member.
- 15.5.14 If the Tribunal determines that the Alleged Breach has been substantiated, the complainant and the charged Member(s) will be given an opportunity to address the Tribunal in relation to possible penalties that may be imposed by the Tribunal. Any penalties imposed must be reasonable in the circumstances. In the event of a reserved decision, the Tribunal shall when notifying the complainant and the charged Member of its decision appoint a time and date for the hearing of evidence in relation to penalty (if the Alleged Breach has been substantiated).

15.5.15 All Tribunal decisions, whether as to guilt or penalty, will be by majority vote.

15.5.16 At the conclusion of a hearing as to penalty, the Tribunal chairperson may announce the decision at that time or may advise those present that the decision is reserved and will be handed down in written form at a later time.

15.5.17 Within 48 hours of the conclusion of the hearing process, the Tribunal chairperson will:

- forward a notice of the Tribunal's decision to the League including, if relevant, any disciplinary measures imposed;
- forward a letter confirming the Tribunal's decision to the charged Member(s), including, if relevant, any disciplinary measures imposed. The letter shall, if relevant, also outline the process and grounds for an appeal as provided in By-Law 16.

15.5.18 The Tribunal does not need to provide reasons for its decisions

## **16**     **RIGHT OF APPEAL**

16.1 The League, sitting as the Board or, by appointment of such Members as it deems appropriate, may create an Appeal Tribunal Committee (Appeals Tribunal) to hear and determine appeals from determinations of the League or a Tribunal made under By-Law 15 hereof.

16.2 If a complainant or a charged Member(s) (Appellant) is not satisfied with the outcome of a Tribunal decision, he or she can lodge an appeal to the CEO of Baseball NSW one or more of the following grounds:

16.2.1 that a denial of natural justice has occurred;

16.2.2 that the disciplinary measure/s imposed is unjust and/or unreasonable;

16.2.3 that the decision was not supported by the evidence provided at the Tribunal Hearing.

16.3 An Appellant must lodge a letter setting out the grounds for their appeal (Appeal Notice) with the CEO within twenty one (21) days of the decision being made together with a statement setting out in summary form the reasons why the appeal should be allowed and the evidence to be relied upon in the appeal hearing including the names of all witnesses the Appellant intends to call to give evidence at the appeal hearing (Appeal Statement). No new evidence may be introduced at the hearing of the appeal except with the leave of the Appeals Tribunal. An appeal fee of \$350.00 shall be included with the Appeal Notice in the event of an appeal by a charged Member.

16.4 If the Appeal Notice, the Appeal Statement and the appeal fee, if applicable, are not all received by the CEO within this time, the right of appeal will lapse.

16.5 Upon receipt of a valid Appeal Notice, Appeal Statement and payment of the appeal fee, if applicable, in accordance with these By-Laws the League shall cause to be appointed an Appeals Tribunal for determining the appeal.

16.6 The Appeal Notice, Appeal Statement and the notice of the Tribunal's decision will be forwarded to the Appeals Tribunal which will examine the material lodged by the Appellant in order to determine whether there is, in the unfettered discretion of the Appeals Tribunal, a prima facie case in favour of the appeal succeeding in respect of one or more of the grounds set out in the Appeal Notice. In making such determination, the Appeals Tribunal shall take into account the material filed by the Appellant and may invite the Appellant and any witnesses nominated by the Appellant in the Appeal Statement to give evidence in support of the appeal. Such evidence may be given in person or by telephone or in written form as determined by the Appeals Tribunal in its unfettered discretion and may be given to one or more members of the Appeals Tribunal as determined by the Appeals Tribunal.

- 16.7 If the Appeals Tribunal determines that a prima facie case in favour of the appeal has not been established, then the appeal will be rejected and the appeal fee forfeited. The Appellant will be notified in writing of this determination and the Appeals Tribunal will not be required to give reasons for its decision.
- 16.8 If the Appeals Tribunal determines that a prima facie case has been made out in respect of one or more of the grounds of appeal as set out in the Appeal Notice, it will appoint a hearing date in respect of any such grounds and the appeal fee will be refunded. The hearing of the appeal will be in the form of a new hearing and will be limited to the grounds of appeal in respect of which the Appeals Tribunal has found a prima facie case exists. New evidence cannot be introduced to the appeal hearing except with the leave of the Appeals Tribunal.
- 16.9 The Tribunal hearing procedure set out in By-Law 15 shall be followed in respect of all appeal hearings conducted by the Appeals Tribunal to the extent that those hearing procedures are capable of so applying.
- 16.10 The decision of the Appeals Tribunal will be final.
- 16.11 The Appeals Tribunal does not need to provide reasons for its decisions.

## **17 RECORD OF DISCIPLINARY FINDINGS**

- 17.1 The League will keep a record of all disciplinary hearings and their outcomes including details of any penalties imposed (“the Disciplinary Hearings Register”).
- 17.2 The League and any Tribunal including any Appeals Tribunal will be entitled to access the Disciplinary Hearings Register during the course of any disciplinary hearing or appeal.
- 17.3 The League and any Tribunal including any Appeals Tribunal will be entitled to take into account when determining penalty any previous findings made in relation to a Member appearing before it.
- 17.4 The Disciplinary Hearings Register will be made available to Members on the League’s website subject to the unfettered discretion of the League to not include the determinations of particular disciplinary hearings or appeal hearings when it considers that the right to privacy or the welfare of the Member concerned is paramount