



CPL Disciplinary By-Laws

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Version History

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1.2	28/03/2019	Loz Goodchild	Amendments
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1. Definitions

- 1.1. In this document unless the context indicates or requires the following words shall have the respective meanings attributed to them as follows:
- (a) "CPL Committee" means Canberra Players League Committee Members.
 - (b) "CPL" means all players and officials within the Canberra Players League.
 - (c) "Official" means any person empowered in terms of clause 11.1 of this By-Law to report any person, team or club alleged to have committed an offence under this By-Law.
 - (d) "tribunals" means the various tribunals delegated by this By-Law to hear and determine reports made in accordance with this By-Law i.e. Disciplinary Tribunal and Appeals Tribunal.
 - (e) "Offence" includes the one or more of the offences listed in clause 19 in respect of which a report may be made, heard or determined by the relevant tribunal in accordance with this By-Law.
 - (f) "working days" means Monday to Friday (inclusive),but excluding public holiday that fall on those days.

2. Adoption of By-law

- 2.1. This By-law has been adopted by the Canberra Players League (CPL) Committee and came into operation in March 2019 and is binding on all members of the CPL Committee and other persons or organisations which submit themselves to the jurisdiction of the CPL Committee.
- 2.2. Any and all By-laws of the CPL Committee previously made concerning disciplinary action are expressly rescinded. For the avoidance of doubt, all penalties handed down under previous disciplinary by-laws shall continue to be recognised by the CPL Committee.
- 2.3. Any report received prior to, but not been finalised or acted upon, at the date of operation of these by-laws shall be transferred to the jurisdiction of these by-laws.

3. Reports by officials

- 3.1. Any official who has been so empowered by the CPL Committee shall be entitled to report any person, team or club which, in the opinion of the official has committed an offence under this By-law. The officials who are empowered include referees, court managers, duty personnel, score table personnel, referee coaches, competition committee members and designated officers of the CPL Committee. This report may take the form of a letter, email, message or handwritten statement submitted to the CPL Committee.

4. Duties of officials making a report

- 4.1. An official who makes a report under clause 3.1 shall submit the details of the alleged offence(s) as soon as possible (but in any case within three working days) after the match or other activity, noting all the particulars in connection with the report so that a clear account can be given to the Disciplinary Tribunal when the report is to be dealt with.

5. Duties of CPL Committee

- 5.1. The CPL Committee shall require each team entered in competitions to designate on the entry form the telephone number and email address (if applicable) of the team captain, or manager, to be used for notification of reports/incidents or for seeking of witness statements in relation to a reported incident.
- 5.2. The CPL Committee shall maintain lists of names, addresses, telephone numbers and email addresses (if applicable) of all officials registered with the CPL Committee to be used for notification of reports/incidents or for seeking of witness statements in relation to a reported incident.

6. Authority of Tribunal

- 6.1. The CPL Committee has the power under its Rules and Regulations to hear and determine charges made against persons, affiliated Associations, teams or clubs arising from or related to basketball activities, matches and competitions conducted by the CPL Committee.
- 6.2. The Disciplinary Tribunal shall have power to suspend, disqualify, reprimand, fine, ban or otherwise deal with any person involved with basketball including, but not limited to players, coaches, teams, clubs, officials or spectators in accordance with this By-law, regarding any incident arising from an activity conducted by the CPL Committee. The incident may have occurred before, during or after the conduct of the activity, within the confines of the stadium, activity venue or its immediate surrounds, or elsewhere if directly related to a basketball activity of any sort.
- 6.3. The Disciplinary Tribunal may also deal with any other disciplinary matter delegated to it for adjudication by the CPL Committee.
- 6.4. The Disciplinary Tribunal must at all times act independently and impartially in carrying out its duties in accordance with this By-law.

7. CPL Committee responsibilities on receipt of a report

- 7.1. Where the CPL Committee or an official of the CPL Committee believes an offence may have been committed or the CPL Committee receives a letter of complaint, or report of an alleged incident, the current CPL President will appoint a Disciplinary Tribunal to investigate the alleged offence. Any investigation conducted under this clause should be made within five working days of the date on which the alleged offence took place.

8. Membership of the Disciplinary Tribunal

- 8.1. A Disciplinary Tribunal panel shall consist of no fewer than two CPL Committee members as appointed by the current CPL President at the time of the incident.
- 8.2. Where there are no independent officials available from within the current CPL Committee, the CPL President may seek other independent members from within the CPL to assist.

9. Period between report & Hearing/Review

- 9.1. Subject to clause 9.2 below a charged person, team or club shall be entitled to participate in basketball competitions conducted by the CPL Committee until such time as the Disciplinary Tribunal has investigated and finalised a report.
- 9.2. Where the CPL President is of the opinion that the report discloses charges that are of such gravity that continued participation by the charged person would adversely reflect upon the conduct of the competition, the CPL President shall determine that the charged person shall not participate in basketball competitions.

10. Responsibilities of Disciplinary Tribunal chairperson

- 10.1. Without limiting the duties of the Disciplinary Tribunal chairperson as set out under the various clauses of this By-law, a person appointed to the position of Disciplinary Tribunal chairperson shall have the following responsibilities:
 - (a) to ensure accurate records are kept of all of the Disciplinary Tribunal's proceedings and decisions and to make such records available to the CPL Committee upon request;
 - (b) to communicate to the CPL Committee the results of Disciplinary Tribunal reports;
 - (c) to chair hearings of the Disciplinary Tribunal or to ensure that such task is delegated to a member of the Disciplinary Tribunal;
 - (d) to raise with any proposed Disciplinary Tribunal member any potential or possible conflict of interest which may arise from time to time.

11. Duties of Disciplinary Tribunals

- 11.1. The Disciplinary Tribunal appointed under clause 8.1 shall have the following duties:
 - (a) to ensure that the reported person, team or club is notified of the report, through their nominated team captain or manager, as well as any other person involved in the report and all other match officials, as soon as practicable after the report is made but preferably before the commencement of the next round, and offered the opportunity to provide a statement in relation to the alleged incident.
 - (b) to ascertain if the report contains sufficient evidence to support the allegation.
 - (c) to conduct further investigations as necessary to confirm or dismiss the allegation.
 - (d) to determine the charge(s) and penalties to be laid against the reported person.

12. Records of Disciplinary Tribunal reviews

- 12.1. The method of recording the determinations of the Disciplinary Tribunal shall be at the discretion of the Disciplinary Tribunal Chairperson but as a minimum be in the form of a brief report that details:
 - (a) the broad allegation;
 - (b) witnesses contacted and relevant witness statements;
 - (c) conclusion of the Disciplinary Tribunal's review; and
 - (d) the offences and recommended penalties.

13. Disciplinary Tribunal review outcomes

- 13.1. The Disciplinary Tribunal shall inform the current serving CPL President of the outcome of their review, including any recommended penalties as soon as is practicable following the meeting of the Tribunal.
- 13.2. If the current serving CPL President agrees to the recommended charges and penalties made by the Disciplinary Tribunal, the charged person shall be notified.
- 13.3. The current serving CPL President may choose to reduce, increase or otherwise vary any penalty imposed by the Disciplinary Tribunal in such manner as it thinks fit.
- 13.4. If a person is charged with an offence carrying a recommended maximum penalty of 4 weeks or less, the Administrative Tribunal's decision is final and the penalty shall be enforced with no right of appeal, and the charged person shall not be required to notify the Association of his / her acceptance or rejection of the penalty.
- 13.5. For penalties greater than 4 weeks, the charged person shall be required to notify the Association of his / her acceptance or rejection of the penalty within three working days of notification. If the penalty is acceptable to the charged person the penalty shall be enforced with no right of appeal.
- 13.6. If the penalty is not acceptable to the charged person and subject to para 20 below, the matter shall be referred to the Appeals Tribunal and be treated in the same manner as any other charge.
- 13.7. If the charged person fails to indicate acceptance or rejection of the administrative penalty in writing to the Association within three working days of notification, the administrative penalty will automatically be invoked and deemed to have been accepted.

14. Convening Disciplinary Tribunal hearings

- 14.1. The CPL Committee reserves the right to carry out all Disciplinary Tribunal activities without a hearing. This is due to the competition size and practicality of getting all parties together due to other commitments. If the charge(s) against the defendant are likely to require a punishment of a full season or more it is recommended a Disciplinary Tribunal hearing be held.
- 14.2. In the event a Disciplinary Tribunal hearing is required:
 - (a) The Disciplinary Tribunal will be convened to hear charges arising from a match as soon as is practicable, preferably prior to the next round of matches occurring.
 - (b) Notification of persons charged under this By-law shall include details of the day, time and place of the Disciplinary Tribunal hearing at which the charge will be heard in accordance with this By-law, and must be provided a reasonable period prior to such hearing.
 - (c) The Disciplinary Tribunal will notify the charged person, team or club, through their team captain or manager, of the date, time and place of the Disciplinary Tribunal hearing if required;

- (d) if the notification under clause 14.2 (c) is made by telephone, the officer giving the notification shall immediately make a written record of the time and details of the telephone conversation;
- (e) if the charged person is under the age of 18 years, or otherwise unable to represent him or herself, then they are to be advised that they have the right to have a parent or legal guardian or an adult (not being a legal practitioner) with them at the Disciplinary Tribunal hearing, as an adviser, and that the adviser shall be allowed to ask questions;
- (f) to provide the charged person, team or club with a copy of the report. In carrying out this function the Disciplinary Tribunal shall:
 - I. send a copy of the report form to the charged person, team or club at the address of the team captain or manager as collected under clause 5.1, as soon as possible after the date of the report being lodged by the official with the CPL Committee; or
- (g) to notify the reporting official and any other officials or witnesses required to be in attendance, of the date, time and place of the Disciplinary Tribunal hearing. Where such reporting official is under 18 years of age, they are to be advised that they have the right to have an adult with them at the Disciplinary Tribunal hearing, as an adviser, and that the adviser shall be allowed to ask questions;
- (h) to notify each of the above persons of the consequences of non-attendance at a Disciplinary Tribunal hearing and the procedure to be followed in each case.

15. Attendance at Disciplinary Tribunal hearings

15.1. The following persons may be required to attend a Disciplinary Tribunal hearing conducted under this By-law:

- (e) the charged person
- (f) the president, secretary or other delegate (captain) representing a charged team or club;
- (g) the reporting official(s) ;
- (h) any other person involved in the report e.g. parent or guardian of a minor ,
- (i) witnesses as indicated by the reporting official or charged person to be notified by the officer designated under clause 4.1;
- (j) any witness required by the Disciplinary Tribunal.

15.2. The following persons shall be entitled to attend a Disciplinary 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.

- 15.3. The following persons shall be entitled to attend a Disciplinary Tribunal hearing with the permission of the Disciplinary Tribunal:
- (a) CPL Committee representatives;
 - (b) any other person.
- 15.4. Media and Legal representatives or advocates are not permitted to appear before the Disciplinary Tribunal unless in exceptional circumstances and where leave to appear has been granted in writing by the Disciplinary Tribunal chairperson.

16. Non-attendance at Disciplinary Tribunal hearings

- 16.1. If any charged person (or representative of a charged team or club) fails to attend a Disciplinary Tribunal hearing or failed to submit a statement without reasonable cause, the hearing may proceed and a determination made by the Disciplinary Tribunal in the absence of the charged person, team or club, provided that the Disciplinary Tribunal is satisfied that all notification procedures under this By-law have been carried out.
- 16.2. A charged person, team or club or reporting official may apply to the Hearings Officer to have a Disciplinary 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 Disciplinary Tribunal if already convened) and if the application is granted a new date shall be fixed.
- 16.3. A charged person who is unable to attend a Disciplinary Tribunal hearing or submit a statement 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 Disciplinary 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 Disciplinary Tribunal had he or she attended the hearing.
- 16.4. If any witness fails to attend a Disciplinary Tribunal hearing or submit a statement, the hearing may continue in their absence.
- 16.5. If a reporting official fails to attend a Disciplinary Tribunal hearing without reasonable cause or fails to submit a statement, the hearing may proceed and a determination made by the Disciplinary Tribunal in the absence of the reporting official, provided that the Disciplinary Tribunal is satisfied that all notification procedures under this By-law have been carried out.
- 16.6. If a reporting official or CPL Committee official inadvertently fails to carry out any duties listed in clause 4, the charges shall not be dismissed for this reason, but may be adjourned to allow the omission to be rectified. Where appropriate, the Disciplinary Tribunal shall take the failure into account and make suitable allowance.

17. Disciplinary Tribunal hearing Conducted Via Teleconference

- 17.1. A charged person, team or club may apply to the Disciplinary Tribunal chairperson to have a Disciplinary Tribunal hearing conducted by telephone conference call 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 Disciplinary Tribunal hearing shall be conducted in accordance with this By-law.

18. Procedures of the Disciplinary Tribunal

- 18.1. For the purpose of this clause, a reference to a charged person includes a reference to the representative(s) of a charged team or club.
- 18.2. 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.
- 18.3. At the commencement of a hearing, the chairperson shall identify the members of the Disciplinary Tribunal and determine whether the charged person is present to answer the charge(s) arising from the report.
- 18.4. The charged person shall be asked whether he/she accepts the members of the Disciplinary Tribunal as impartial and independent, or whether he/she wishes to raise any objection in relation to any member. If the objection is found by the Disciplinary Tribunal to be valid, then the Disciplinary Tribunal member shall stand down for the duration of the hearing.
- 18.5. 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 Disciplinary Tribunal considers its findings and determines an appropriate penalty (if any).
- 18.6. The chairperson shall advise all those persons present of the method of recording the hearing.
- 18.7. The charge(s) arising from the report shall be read out in the presence of all persons eligible to be present.
- 18.8. The charged person shall be asked whether the charge is understood and the reporting official asked whether the charge correctly represents their intention.
- 18.9. The charged person shall be asked to plead.
- 18.10. If the charged person pleads guilty to 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 Disciplinary Tribunal requires it.
- 18.11. If the charged person pleads not guilty 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.
- 18.12. The reporting official (or the adviser to a reporting official who is a minor) 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 Disciplinary Tribunal in its discretion. The charged person or his/her adviser may ask questions of the reporting official or any witness called.
- 18.13. Each witness shall be entitled to leave the Disciplinary Tribunal hearing after giving evidence unless otherwise directed by the Disciplinary Tribunal. Witnesses shall be entitled to remain in the hearing room after giving evidence with the permission of the Disciplinary Tribunal.

- 18.14. 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 Disciplinary 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.
- 18.15. The Disciplinary Tribunal is empowered to question any person giving evidence.
- 18.16. Where a person exercises their right to have an adult observer or adviser present in accordance with this by-law, an opportunity for consultation shall be provided.
- 18.17. Video evidence may be presented in the discretion of the Disciplinary Tribunal.
- 18.18. 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 Disciplinary Tribunal considers its findings.
- 18.19. If the Disciplinary Tribunal is not satisfied that the particular charge has been proved, but is satisfied that a lesser charge has been established, then the Disciplinary Tribunal may find such lesser charge established and shall apply the penalty applicable to the lesser charge.
- 18.20. Where it appears to the Disciplinary Tribunal that the reporting official has made an error in laying the wrong charge or omitted charges that should have been laid, the Disciplinary Tribunal may amend the charges and proceed to make a finding. Further, the Disciplinary 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.
- 18.21. Where charges have been amended under clause 18.20, the Disciplinary Tribunal shall adjourn the hearing unless the charged person consents to it proceeding at that time.
- 18.22. The decision of the Disciplinary Tribunal shall be given in the presence of all, by the Disciplinary Tribunal chairperson.
- 18.23. Subject to clause 18.19, if the Disciplinary Tribunal is satisfied that a charge has been established on the balance of probabilities (i.e. more probable than not) it shall find the charge proved. Otherwise the charge shall be dismissed.
- 18.24. If a charge has been found proven by the Disciplinary Tribunal the charged person shall be informed of the finding. Any previous convictions against the charged person should then be laid before the Disciplinary Tribunal.
- 18.25. The charged person should then be 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.
- 18.26. The Disciplinary 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.
- 18.27. The Disciplinary Tribunal is not obliged to give oral or written reasons for any decision made by it under this By-law.

18.28. 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 Disciplinary Tribunal until the penalty has been served to the satisfaction of the CPL Committee.

19. Offences and Penalties guideline and references

19.1. Clause 19.3 sets out the standard offences and penalties to be applied as a guide where one of the following charges has been established by an Administrative or Disciplinary Tribunal. This clause does not preclude the application of other penalties as expressed in clause 6.2.

19.2. 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")

19.3. Offences and penalties

- (a) Disputing the decision(s) of a referee

Maximum penalty: 6 weeks suspension

Minimum penalty: 1 week suspension

- (b) Unsportsmanlike behaviour

Maximum penalty: 6 weeks suspension

Minimum penalty: 1 week suspension

- (c) Gross breach of Code of Conduct

Maximum penalty: 6 weeks suspension

Minimum penalty: 1 week suspension

- (d) Attempting to trip

A – Maximum penalty: 10 weeks suspension

A – Minimum penalty: 1 week suspension

B – Maximum penalty: 20 weeks suspension

B – Minimum penalty: 5 weeks suspension

- (e) Tripping

A – Maximum penalty: 10 weeks suspension

A – Minimum penalty: 1 week suspension

B – Maximum penalty: 52 weeks suspension

B – Minimum penalty: 13 weeks suspension

- (f) Obscene gestures

A – Maximum penalty: 10 weeks suspension

A – Minimum penalty: 1 week suspension

B – Maximum penalty: 20 weeks suspension

B – Minimum penalty: 5 weeks suspension

- (g) Offensive language (which may include abusive, obscene or insulting language)
 - A – Maximum penalty: 10 weeks suspension
 - A – Minimum penalty: 1 week suspension
 - B – Maximum penalty: 20 weeks suspension
 - B – Minimum penalty: 5 weeks suspension
- (h) Attempting to strike
 - A – Maximum penalty: 10 weeks suspension
 - A – Minimum penalty: 1 week suspension
 - B – Maximum penalty: 52 weeks suspension
 - B – Minimum penalty: 13 weeks suspension
- (i) Striking (fist, hand, object, head)
 - A – Maximum penalty: 52 weeks suspension
 - A – Minimum penalty: 13 weeks suspension
 - B – Maximum penalty: life-time suspension
 - B – Minimum penalty: 1 year suspension
- (j) Attempting to elbow
 - A – Maximum penalty: 10 weeks suspension
 - A – Minimum penalty: 1 week suspension
 - B – Maximum penalty: 52 weeks suspension
 - B – Minimum penalty: 13 weeks suspension
- (k) Elbowing
 - A – Maximum penalty: 20 weeks suspension
 - A – Minimum penalty: 5 weeks suspension
 - B – Maximum penalty: life-time suspension
 - B – Minimum penalty: 1 year suspension
- (l) Fighting
 - A - More than 2 players: Maximum penalty 20 weeks suspension
 - A - More than 2 players: Minimum penalty 5 weeks suspension
- (m) Attempting to kick
 - A – Maximum penalty: 10 weeks suspension
 - A – Minimum penalty: 1 week suspension
 - B – Maximum penalty: 52 weeks suspension
 - B – Minimum penalty: 13 weeks suspension
- (n) Kicking
 - A - Maximum penalty: 20 weeks suspension
 - A - Minimum penalty: 5 weeks suspension
 - B – Maximum penalty: life-time suspension
 - B – Minimum penalty: 1 year suspension

- (o) Spitting
 - A - Maximum penalty: 20 weeks suspension
 - A - Minimum penalty: 5 weeks suspension
 - B – Maximum penalty: 52 weeks suspension
 - B – Minimum penalty: 13 weeks suspension
- (p) Moving under an airborne player (tunnelling)
 - A - Maximum penalty: 104 weeks suspension
 - A – Minimum penalty: 26 weeks suspension
- (q) Putting a person in fear of impending violence
 - A – Maximum penalty: 52 weeks suspension
 - A – Minimum penalty: 13 weeks suspension
 - B – Maximum penalty: 104 weeks suspension
 - B – Minimum penalty: 26 weeks suspension
- (r) Coaching, refereeing, playing, score bench duties while under suspension
 - A - Maximum penalty: 5 weeks per game plus the suspension period
 - A - Minimum penalty: 2 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
 - A - Minimum penalty: 1 year suspension
- (t) Conduct which brings the game of Basketball into disrepute
 - Maximum penalty: 19 weeks suspension
 - Minimum penalty: 5 weeks suspension
- (u) Failure to attend Tribunal without proper cause when notified
 - Penalty: 20 weeks suspension
- (v) Failure to co-operate in, or hindering an investigation or hearing under these by-laws.
 - Penalty: 20 weeks suspension
- (w) Repeat disciplinary offences requiring suspension where large penalties were previously applied
 - A – Maximum penalty: life ban
 - A – Minimum penalty: 1-year suspension
 - B – Maximum penalty: life ban
 - B – Minimum penalty: 1-year suspension

19.4. Where charges arising from one particular incident are heard together and the Disciplinary 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 most serious of the offences, or it may impose individual penalties for each offence.

- 19.5. A penalty handed down under this clause shall commence from the date of the Disciplinary Tribunal finding unless otherwise expressly directed by the Disciplinary Tribunal. Penalties should wherever possible be expressed in number of available matches and does not include byes or season breaks.
- 19.6. Where a Disciplinary Tribunal imposes more than one period of suspension, it may impose them to be served concurrently or cumulatively or partly concurrently and partly cumulatively.
- 19.7. Persons on a first offence shall have this taken into account when assessing the penalty to be handed down.
- 19.8. A Disciplinary Tribunal may take into account 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 19.3.

20. Right of Appeal

- 20.1. There shall be no appeal from a decision of the Disciplinary Tribunal unless the person seeking to appeal ("Appellant") satisfies current CPL President, or their nominee, in that person's sole discretion, that one or more of the following grounds of appeal is satisfied:
- (a) that significant new or additional evidence has become available;
 - (b) that the penalty imposed by the Disciplinary Tribunal is not in accordance with the provisions of this By-law;
 - (c) or that the Disciplinary Tribunal failed to follow procedures or requirements of this By-law to the significant detriment of the person seeking the appeal.
- 20.2. Only a charged person shall have the right of appeal from a decision of the Disciplinary Tribunal under this By-law.

21. Notice of Appeal

- 21.1. A person seeking to appeal a decision of the Disciplinary Tribunal must:
- (a) lodge a notice stating full details of charges and results thereof and stating in full the grounds of appeal with the Appeals Officer within five (5) working days of the notification of a determination of a Disciplinary Tribunal ("Notice of Appeal").
 - (b) pay the appeal fee to the Appeals Officer when lodging the Notice of Appeal, which shall be \$500.00 (including GST) (the appeal fee does not apply in the case of appeals by minors and may be waived in the discretion of the Appeals Officer).

22. Appeal Tribunal

- 22.1. If an appeal hearing is granted, the current CPL President shall convene an Appeal Tribunal to hear and determine the appeal in accordance with this By-law.
- 22.2. An Appeal Tribunal shall consist of no fewer than three (3) persons appointed by the current CPL President to hear appeals as required by the CPL Committee. Members of an Appeal Tribunal will preferably have experience in hearing and determining disciplinary matters in sport, however need not have any particular experience with the sport of basketball.
- 22.3. CPL Committee members who were not involved in the hearing of a matter the subject of an appeal shall be eligible to sit on an Appeal Tribunal.

- 22.4. Where there are no independent officials available from within the current CPL Committee, the CPL President may seek other independent members from within the CPL to assist.

23. Serving of Disciplinary Tribunal Penalties

- 23.1. Subject to clause 23.2 (b), where the Tribunal imposes a penalty that prevents the Appellant from participating in a match, the appellant shall serve that penalty pending the determination of the appeal.
- 23.2. Subject to clause 23.3, the Appeal Tribunal may of its own motion or upon application of any party to the appeal, order:
- (a) that an appeal be adjourned;
 - (b) a stay of the execution of the penalty imposed by the Disciplinary Tribunal pending the determination of the appeal.
- 23.3. The Appeal Tribunal shall make an order under clause 23.2.b only where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if such an order was not made. In determining that question, the Appeals Tribunal shall without limitation have regard to:
- (a) the merits of the appeal and the Appellant's prospects of success;
 - (b) the interests of other teams, clubs and players; and
 - (c) the effect on the results of the competition.

24. Proceedings of Appeal Tribunal

- 24.1. The Appeal Tribunal and persons appearing before it are bound by the same procedures under this By-law as if the Appeal Tribunal was a Disciplinary Tribunal hearing a matter at first instance.
- 24.2. The Disciplinary Tribunal shall forward records of the hearing in which the matter the subject of the Appeal was heard at first instance to the chairperson of the Appeal Tribunal.
- 24.3. The Appeal Tribunal shall have the discretion to conduct the hearing as a complete re-hearing or to limit the hearing to consideration of the ground(s) of appeal relied upon by the Appellant under clause 21.1.
- 24.4. An Appeal Tribunal shall have the power to:
- (a) dismiss the appeal;
 - (b) uphold the appeal;
 - (c) impose any of the penalties set out in Part 4 of this By-law.
 - (d) reduce, increase or otherwise vary any penalty imposed by the initial hearings Disciplinary Tribunal in such manner as it thinks fit.
- 24.5. The Appeal Tribunal is not obliged to give oral or written reasons for a decision under clause 25.4.
- 24.6. At the conclusion of the appeal, the chairperson of the Appeal Tribunal shall ensure that the Appellant and the reporting official are correctly informed of the determinations of the Appeal Tribunal. The chairperson shall also notify the CPL President of the decision of the Appeal Tribunal.

25. Refund of Appeal Fee

- 25.1. The Appeal Tribunal shall have the discretion to refund the appeal fee payable under clause 22.1.b.

26. Costs

- 26.1. Each party to an appeal shall bear their own costs. The Appeal Tribunal has the power to award that the reasonable costs of the Appeal Tribunal be borne by either party in its absolute discretion.

27. Single Right of Appeal

- 27.1. There is only one right of appeal following the decision of the initial Disciplinary Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Tribunal and the decision of the Appeal Tribunal is final and binding on the parties.

28. Exhaust Internal Appeal

- 28.1. A person shall exercise his right of appeal under this By-law and have any appeal heard and determined by the Appeal Tribunal before commencing

29. Relationship with criminal matters

- 29.1. If during a Disciplinary 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 Disciplinary Tribunal 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.
- 29.2. In making a determination under clause 30.1, the Disciplinary Tribunal shall have regard to the need to ensure the ongoing safety of players, referees and other persons involved in the CPL or related to basketball activities, matches and competitions conducted by the CPL Committee.

30. Natural Justice

- 30.1. To the extent that the principles of natural justice are not included in the provisions set out in this By-law they are expressly excluded.

31. Recognition of Penalties across CPL Committees

- 31.1. The CPL Committee 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 CPL Committees, leagues and competitions which are affiliated with Basketball Australia and or its Constituent Associations.