

27. DISCIPLINARY BY.LAW

In accordance with the Constitution of Corinda Ladies' Bowling Club Inc. (hereinafter referred to as "The Club") this By-Law is adopted by the Management Committee (hereinafter referred to as "The Committee"). This By-Law applies to discipline which is not specifically referred to in the Bowls Queensland Members Protection By-Law.

In this By-Law the Corinda Ladies' Bowling Club Inc. shall be referred to as "The Club" and any affiliated member of the Club shall be referred to as "a member" or "the member".

1. ESTABLISHMENT OF DISCIPLINARY PANEL

1.1 The Committee may establish a Disciplinary Panel as required to deal with all disciplinary actions against a member which come to their notice by any means.

2. COMPOSITION OF DISCIPLINARY PANEL

2.1 A Disciplinary Panel of up to a maximum of six (6) persons may be appointed by the Committee for the purpose of hearing disciplinary actions and other matters under this By-Law. The Committee shall also appoint a member of the Disciplinary Panel to act as the Chairperson. Three (3) members of the Disciplinary Panel shall normally hear a matter but in an emergency two (2) members of the Disciplinary Panel shall constitute a quorum.

2.2 The Disciplinary Panel may be comprised of Committee members and/or Non-Committee Members.

2.3 A person who has been directly involved in, or affected by the matter in dispute, or where a conflict of interest would otherwise arise, shall not be eligible to be a member of the Disciplinary Panel.

DISCIPLINARY BY.LAW FOR DEALING WITH MEMBERS

3. NOTICE OF ALLEGED BREACH

3.1 Where the Committee is advised or considers that a member has allegedly:

- (a) Intentionally breached, failed, refused or neglected to comply with a provision of the Constitution, By-Laws or any resolution or determination of the Committee or any other duly authorised subcommittee which is not of a trivial nature:

- (b) Breached any Code of Conduct;
- (c) Acted in a manner prejudicial to the objects and interests of the Club;
- (d) Brought the Club or the sport of Bowls into disrepute

Disrepute means literally bad reputation. When the word is used in the sporting context, it is normally in relation to bringing the game or the sport of members of the sport into disrepute. That is to say that it is to damage the reputation of the sport or members and officers of the Club

itself.

To bring something into disrepute is to damage the reputation which is equivalent to reducing the standing.

(1) Lack or decline of good reputation: a state of being held in low esteem (ordinary definition) and

(2) To diminish public confidence in something or to cause the public to lose confidence in the integrity of something.

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3.2 The Committee shall determine to:

(e) dismiss the matter: or

(f) refer the matter to the Disciplinary Panel pursuant to Clause 4.

4. DISCIPLINARY PANEL PROCESSES RE MEMBERS

4.1 The Committee may refer the matter to a Disciplinary Panel and nominate a Chairperson of the Disciplinary Panel in accordance with Rule 2 of this By-Law.

4.2 The Secretary of the Club shall, as soon as practicable following the appointment of a Disciplinary Panel, serve on The member a notice in writing:

4.2.1 setting out the specific details of the alleged breach by the member;

4.2.2 setting out the facts and grounds on which the alleged breach is based;

4.2.3 stating that the member may address the Disciplinary Panel at a hearing to be held not earlier than 7 days and not later than 14 days after service of the notice;

4.2.4 stating the date, place and time of that hearing;

4.2.5 informing the member that she may do one or more of the following:

4.2.5.1 attend the hearing;

4.2.5.2 give the Disciplinary Panel, before the date of that hearing, a written statement regarding the alleged breach

4.2.6 informing the member that if she does not attend the hearing and/or provide a written statement prior to the hearing, the hearing will proceed and the matter will be determined in her absence.

4.3 Despite Rule 4.2.6 of this By-Law, the hearing may be held at any other time that the Chairperson of the Disciplinary Panel and the member agree.

4.4 At a hearing of the Disciplinary Panel, the Disciplinary Panel shall:

4.4.1 give the member every opportunity to be heard;

4.4.2 give other aggrieved parties and any witnesses the right to be heard,

present evidence or submit a written statement;

4.4.3 give due consideration to any written statement submitted by the Constituent; and

4.4.4 by resolution determine whether the alleged breach occurred.

4.5 The Club and the member shall not be entitled to any representation (legal or otherwise) at the hearing.

4.6 The Disciplinary Panel shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances and shall determine what evidence shall be admissible at the hearing, provided that it does so in accordance with the principles of natural justice.

4.7 The Disciplinary Panel will make its decision immediately following the conclusion of the hearing if possible, but otherwise it shall inform the member of its decision within seven (7) days of the hearing.

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

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

4.10 The Disciplinary Panel shall not be required to, but may provide reasons for its decision.

4.11 Each party shall be responsible for their own costs associated with the Disciplinary Panel hearing. The Disciplinary Panel has no power to award costs to a party

5. PENALTIES

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

5.1.1 impose a warning;

5.1.2 direct the member to make a verbal or written apology;

5.1.3 direct that any rights, privileges and benefits provided to the member by the Club be suspended for a specified period and/or terminated;

5.1.4 reprimand the member

5.1.5 suspend the member from membership or affiliation to the Club for a specified period;

5.1.6 expel the member from membership or affiliation to the Club;

5.1.7 impose a suspended penalty;

5.1.8 any other such penalty that the Disciplinary Panel considers appropriate.

6. APPEALS

6.1 There shall be a right of appeal from the decision of the Disciplinary Panel to an Appeals Tribunal.

6.2 An appellant must seek leave to appeal against the decision of the Disciplinary Panel by applying to The Committee with reasons for the appeal within seven (7) days of written receipt of the decision of the Disciplinary Panel. The Committee shall make a decision on whether it grants leave to appeal at the next Committee meeting after the application for leave is made.

6.3 If the above leave is approved The Committee shall appoint an Appeal Tribunal of three (3) persons to hear the appeal with any such hearing to be held within seven (7) days of such appointment being made but no later than fourteen (14) days. Any decision of the Appeal Tribunal to uphold, overturn or alter a decision of the Disciplinary Panel shall be advised immediately following the hearing if possible but no later than seven (7) days. All decisions of the Appeal Tribunal are final and not subject to further appeal.

7. EXEMPTION TO THE CLUB'S DISCIPLINARY PROCESS

This Disciplinary By-Law does not cover the following four areas:-

- (a) Child Protection
- (b) Transgender Persons
- (c) Sexual Relationships
- (d) Anti Discrimination and Harassment

These areas will be dealt with under Bowls Queensland Member Protection Policy.