



**BASKETBALL**  
**QUEENSLAND**

# Basketball Queensland Tournament Tribunal Policy

Updated December 2019

All reports submitted during a Basketball Queensland tournament will be evaluated by the Tournament Technical Committee for each respective tournament. The Tournament Tribunal Policy will cover any necessary tribunal or report submitted.

Any report may be lodged at this link <https://form.jotform.co/90510501430843>

## *1.1 Non-application of BQ's "Queensland Basketball Model Disciplinary Tribunals By-law"*

BQ's "Queensland Basketball Model Disciplinary Tribunals By-law" does not apply in relation to BQ's Tournaments except:

- (a) as regards any action taken or commenced under it before the start of the competition: and
- (b) that it applies to a person who is not bound by these rules but who is bound by the "Queensland Basketball Model Disciplinary Tribunals By-law"

## *1.2 Tribunal Offences*

The following table lists the offences which are **Tribunal Offences** and the maximum penalties for each. In some cases, two maximum penalties (or penalties of a type) are listed for a Tribunal Offence. If so, penalty B is the maximum penalty (or penalty of that type) if the behaviour constituting or involving the commission of the Tribunal Offence involved an Official, and penalty A is the maximum penalty (or penalty of that type) in any other case of the commission of that Tribunal Offence.

<i>Offence</i>	<i>Maximum Suspension</i>
Disputing a decision of a referee	2 games
Unsportsmanlike behaviour	2 games
Breach of a Code of Conduct	2 games
Gross breach of a Code of Conduct	4 games
Attempting to trip	A: 3 games B: 6 games
Tripping	A: 3 games B: 17 games
Making an obscene gesture	A: 3 games B: 6 games
Using offensive, abusive, obscene or insulting language	A: 3 games B: 6 games
Attempting to strike	A: 3 games B: 17 games
Striking (using the fist, hand, head or an object or another body part)	A: 17 games B: 2 years
Attempting to elbow	A: 3 games B: 17 games
Elbowing	A: 6 games B: 2 years
Fighting when 2 or more players are involved	6 games
Attempting to kick	A: 3 games B: 17 games
Kicking	A: 6 games B: 2 years
Spitting	A: 6 weeks B: 17 games
Moving under an airborne player (tunnelling)	1 year
Putting a person in fear of impending violence	A: 17 games B: 2 years
Coaching, refereeing, playing or performing scorebench duties while under suspension	2 games
Deliberately endangering the safety or health of a player, spectator, Official or other person.	Lifetime
Deliberately endangering the safety or health of a player, spectator, Official or other person in an incident involving blood or a body fluid	Lifetime
Engaging in conduct bringing the game of basketball or BQ's Tournaments into disrepute	6 games

<i>Offence</i>	<i>Maximum Suspension</i>
Failing to cooperate in or hindering or obstructing an investigation or hearing under these rules	6 games
Conspiring with another person to present false evidence to a Tribunal or to otherwise mislead a Tribunal	6 games

### 1.3 Reports about behaviour in Games

- (a) Under this rule, a person covered by paragraph (b) may lodge a report that:
  - (i) concerns alleged behaviour by a person who is bound by these rules (the **Respondent**), that occurred during a Game or in the period soon before or soon after the Game; and
  - (ii) alleges that the behaviour constituted or involved the commission of a Tribunal Offence by the Respondent.
- (b) The persons who may lodge a report under this rule are:
  - (i) a referee who officiated in the Game; and
  - (ii) a Game Official who was involved in the Game; or
  - (iii) a Venue Official who was involved in the Game or who was fulfilling duties at the venue for the Game when the Game was held; or
  - (iv) the CEO; or
  - (v) the Board of BQ or a member of the Board of BQ; or
  - (vi) an employee of BQ (other than the Tournament Manager).
- (c) A report under this rule must:
  - (i) be in writing; and
  - (ii) if it is made by a referee, be noted on the official Match Report for the Game; and
  - (iii) be lodged with the Tournament Technical Committee within 1 hour after the Game concluded; and
  - (iv) name the Respondent; and
  - (v) specify the alleged behaviour the report concerns.
- (d) The report may:
  - (i) include statements of persons who witnessed the alleged behaviour the report concerns; and

- (ii) allege that the Respondent committed a specified Tribunal Offence.
- (e) When a report is lodged under this rule the Tournament Technical Committee must, within 1 hour of doing so, give a copy of the report to:
  - (i) the Respondent; or
  - (ii) the Respondent's Association.

#### *1.4 Reports about behaviour not in Games*

- (a) Under this rule, a person may lodge a report that:
  - (i) concerns alleged behaviour by a person who is bound by these rules (the **Respondent**), that did not occur during a Game or in the period soon before or soon after the Game; and
  - (ii) alleges that the behaviour constituted or involved the commission of a Tribunal Offence by the Respondent.
- (b) The persons who may lodge a report under this rule are:
  - (i) a Game Official who has been involved in Games during the Tournament in which the alleged behaviour occurred; or
  - (ii) a Venue Official who has been involved in Games during the Tournament in which the alleged behaviour occurred or who has fulfilled duties at the venue for Games during the Tournament in which the alleged behaviour occurred; or
  - (iii) the CEO; or
  - (iv) the Board of BQ or a member of the Board of BQ; or
  - (v) an employee of BQ (other than the Tournament Manager).
- (c) A report under this rule must:
  - (i) be in writing; and
  - (ii) be lodged with the Tournament Technical Committee; and
  - (iii) name the Respondent; and
  - (iv) specify the alleged behaviour the report concerns.
- (d) The report may:
  - (i) include statements of persons who witnessed the alleged behaviour the report concerns; and
  - (ii) allege that the Respondent committed a specified Tribunal Offence.

- (e) When a report is lodged under this rule the Tournament Technical Committee must, within 1 hour of doing so, give a copy of the report to:
  - (i) the Respondent; or
  - (ii) the Respondent's Association.

#### *1.5 What the Tournament Technical Committee does with a report*

- (a) The Tournament Technical Committee must (within 4 hours after receiving the report) consider the report and decide whether the information in the report discloses the possible commission of a Tribunal Offence by the Respondent. In doing so, the Tournament Technical Committee:
  - (i) must not make any findings of fact; and
  - (ii) must rely solely on the information in the report; and
  - (iii) must assume that the facts alleged in the report are proven.

#### *1.6 Charges*

- (a) If the Tournament Technical Committee decides that the information in a report lodged, discloses the possible commission of a Tribunal Offence by the Respondent, the Tournament Technical Committee must (within 2 hours after making the decision) refer the charge to a Tribunal.
- (b) If the Tournament Technical Committee refers a charge to the Tribunal, the Tournament Technical Committee must (within 2 hours of doing so) advise:
  - (i) the Respondent; or
  - (ii) the Respondent's Association.

#### *1.7 How charges are dealt with*

- (a) If a charge is referred to the Tribunal, the Tribunal:
  - (i) may interview any person who, in the Tribunal's opinion, may be able to offer information about the charge; and
  - (ii) must decide whether the charge will be dealt with by way of a telephone hearing or a formal hearing.
- (b) If the Respondent is someone under the control of a Participating Association, the Respondent may advise the Tournament Technical Committee or the Tribunal (within 1 hour after the Tournament Technical Committee has advised of the referral of the charge) that the Respondent wants a specified person (the **Respondent's Representative**) to be the representative of the Respondent in relation to the charge. The Respondent's Representative can only be a person who:

- (i) is not a legal practitioner and does not hold a law degree; and
- (ii) is a committee member or employee of a Participating Association

*1.8 Procedures for charges dealt with by telephone hearing*

- (a) This rule applies if the Tribunal decides that a charge will be dealt with by way of a telephone hearing.
- (b) The Tribunal is to convene a telephone hearing by advising the Respondent or the Respondent's Representative:
  - (i) of a day and time for the telephone hearing; and
  - (ii) of a number on which the Respondent or the Respondent's Representative can contact the Tribunal Member on that day and at that time; and
  - (iii) of an email address to which the Respondent or the Respondent's Representative can submit any written material to the Tribunal in relation to the charge.
- (c) The Tribunal may change the day or time of the telephone hearing (or both) to a later day or time (or both) by advising the Respondent or the Respondent's Representative.
- (d) The Respondent or the Respondent's Representative may, on the day and at the time for the telephone hearing:
  - (i) give verbal evidence on the subject matter of the charge; and
  - (ii) make submissions to the Tribunal; and
  - (iii) present verbal evidence from witnesses.
- (e) The Respondent or the Respondent's Representative may, at or before the day and time of the telephone hearing, send written material in relation to the charge to the Tribunal at the email address that the Tribunal gave under paragraph (b)(iii). The material may include:
  - (i) the Respondent's plea of guilty or not guilty to the charge; and
  - (ii) evidence and submissions; and
  - (iii) submissions about the appropriate penalty if the Respondent is found guilty of the Tribunal Offence with which he or she is charged (or a Lesser Offence).
- (f) The Tribunal may, before the telephone hearing is appointed to start, notify:
  - (i) a Required Witness that he or she is required to participate in the telephone hearing and give evidence to the Tribunal; or
  - (ii) a Participating Association that a person under the control of a

Participating Association is a Required Witness who is required to participate in the telephone hearing and give evidence to the Tribunal.

- (g) The Tribunal:
  - (i) may give a notification under paragraph (f) to, or in relation to, a Required Witness who the Tribunal thinks may be able to give evidence or information to the Tribunal about the charge or about the matter of penalty if the charge results in an Established Offence; and
  - (ii) must, when giving the notification, provide contact details for the Required Witness to make telephone contact with the Tribunal at the time of the telephone hearing or in advance of the telephone hearing when further arrangements for telephone contact during the hearing can be made.
- (h) A Required Witness who is bound by these rules and to whom, or in relation to whom, a notification is given under paragraph (f) must not fail to participate in the telephone hearing as reasonably required by the Tribunal unless he or she has a reasonable excuse for not doing so.
- (i) A Participating Association to which a notification is given under paragraph (f) must ensure that the Required Witness does not fail to participate in the telephone hearing as reasonably required by the Tribunal unless the Participating Association or Required Witness has a reasonable excuse for not doing so.
- (j) The conclusion of the information-gathering phase is:
  - (i) when the telephone hearing ends; or
  - (ii) the time that was appointed for the telephone hearing if it does not occur (for example, because the Respondent or the Respondent's Representative does not contact the Tribunal Member at that time).

### *1.9 Procedures for charges dealt with by formal hearing*

- (a) This rule applies if the Tribunal decides a charge will be dealt with via a formal hearing.
- (b) The Tribunal is to convene a formal hearing by advising the Respondent or the Respondent's Representative:
  - (i) of a day and time for the formal hearing; and
  - (ii) of a venue for the formal hearing; and
  - (iii) of an email address to which the Respondent or the Respondent's Representative can submit any written material to the Tribunal in relation to the charge.
- (c) The Tribunal may change the day, time or venue of the formal hearing

(or all) by advising the Respondent or the Respondent's Representative.

- (d) The Respondent or the Respondent's Representative may, on the day and at the time and venue for the formal hearing:
  - (i) attend the formal hearing in person but not by any other representative; and
  - (ii) make submissions to the Tribunal; and
  - (iii) present verbal evidence from witnesses.
- (e) The Respondent or the Respondent's Representative may, at or before the day and time of the telephone hearing, send written material in relation to the charge to the Tribunal at the email address that the Tribunal gave under paragraph (b)(iii). The material may include:
  - (i) the Respondent's plea of guilty or not guilty to the charge; and
  - (ii) evidence and submissions; and
  - (iii) submissions about the appropriate penalty if the Respondent is found guilty of the Tribunal Offence with which he or she is charged (or a Lesser Offence).
- (f) The Tribunal may, before the formal hearing is appointed to start, notify:
  - (i) a Required Witness that he or she is required to attend the formal hearing and give evidence to the Tribunal; or
  - (ii) a Participating Association that a person under the control of a Participating Association is a Required Witness who is required to attend the formal hearing and give evidence to the Tribunal.
- (g) The Tribunal:
  - (i) may give a notification under paragraph (f) to, or in relation to, a Required Witness who the Tribunal thinks may be able to give evidence or information to the Tribunal about the charge or about the matter of penalty if the charge results in an Established Offence; and
  - (ii) must, when giving the notification, provide details of the date, time and place for the formal hearing that the Required Witness is required to attend.
- (h) A Required Witness who is bound by these rules and to whom, or in relation to whom, a notification is given under paragraph (f) must not fail to attend the formal hearing unless he or she has a reasonable excuse for not doing so.
- (i) A Participating Association to which a notification is given under paragraph (f) must ensure that the Required Witness does not fail to attend the formal hearing unless the Participating Association or



Required Witness has a reasonable excuse for not doing so.

- (j) The conclusion of the information-gathering phase is:
  - (i) when the formal hearing ends; or
  - (ii) the time that was appointed for the formal hearing if the Respondent or the Respondent's Representative does not attend the formal hearing.

*1.10 Procedures common to charges dealt with by telephone hearing or formal hearing*

- (a) This rule applies regardless of whether the Tribunal decides that a charge will be dealt with by way of a telephone hearing or a formal hearing.
- (b) If the Respondent is at the hearing, the Tribunal must (at the commencement of the hearing and before receiving any evidence at the hearing) read the charge and ask the Respondent whether the Respondent pleads guilty or not guilty to the charge. If the Respondent:
  - (i) does neither – then the Respondent is taken to have pleaded not guilty; or
  - (ii) pleads guilty – then the Tribunal must find the Respondent guilty of the Tribunal Offence with which he or she was charged and restrict the subject matter of the hearing to matters of penalty.
- (c) If the Respondent's Representative (but not the Respondent) is at the hearing, the hearing is to proceed on the basis that the Respondent has pleaded not guilty, unless the Respondent has pleaded guilty in writing under paragraph (d).
- (d) The Respondent may, by writing to the Tribunal before the time for the hearing, plead guilty or not guilty in writing. Such a plea has the same effect as if it was entered verbally at the hearing under paragraph (b) unless the Respondent is at the hearing and then enters a different plea.
- (e) Otherwise, the Respondent cannot change his or her plea after it has been entered unless the Tribunal, in its discretion, grants leave for the Respondent to do so, at his or her request, for special reasons.
- (f) The Tribunal:
  - (i) may adjourn a hearing from time to time and from place to place; and
  - (ii) may allow or request witnesses to give evidence by telephone; and
  - (iii) must give the Respondent or the Respondent's Representative a reasonable opportunity to question any witnesses giving evidence at the formal hearing; and
  - (iv) is not bound by the rules of evidence; and

- (v) may disallow any question or content which the Tribunal considers is irrelevant, vexatious or improper; and
- (vi) may ask questions of the Respondent or the Respondent's Representative and of witnesses; and
- (vii) may decide who is allowed to be present during the hearing or any part of it; and
- (viii) may suspend a hearing for an interval (for example, to allow the Tribunal Member to retire to consider a decision).
- (ix) except as otherwise provided in these rules, may conduct the hearing as the Tribunal sees fit.

#### *1.11 Decision on whether a charge is made out*

- (a) This rule applies:
  - (i) regardless of whether a charge is dealt with by way of a telephone hearing or a formal hearing; and
  - (ii) only if the Respondent has not pleaded guilty to the charge.
- (b) At the conclusion of the information-gathering phase, the Tribunal must consider and decide either:
  - (i) that the Respondent committed the Tribunal Offence with which he or she was charged; or
  - (ii) that the Respondent did not commit the Tribunal Offence with which he or she was charged, but that the Respondent did commit a Lesser Offence (by the behaviour which is the subject of the charge); or
  - (iii) that the Respondent did not commit the Tribunal Offence with which he or she was charged.
- (c) The Tribunal must announce the decision at the hearing.

#### *1.12 Decision on penalty*

- (a) This rule applies regardless of whether a charge is dealt with by way of a telephone hearing or a formal hearing, but only if the Respondent:
  - (i) pleads guilty to the charge (in which case the charged Tribunal Offence is an **Established Offence**); or
  - (ii) is found by the Tribunal to have committed a Tribunal Offence (including a Lesser Offence) or more than one of them (each an **Established Offence**).
- (b) The Tribunal must then consider and decide on the penalty to be imposed on the Respondent in respect of the Established Offence or

Established Offences.

(c) The penalty imposed in respect of an Established Offence cannot exceed the maximum penalty specified in rule 1.21.1 for the Tribunal Offence which is the Established Offence. If rule 1.2 specifies two or more types of penalty (for example, a suspension and a fine), the penalty imposed can be one or a combination of any two or more of those types of penalty, not exceeding the maximum for each type of penalty specified in rule 1.2 for the Tribunal Offence which is the Established Offence.

(d) If:

- (i) there are two or more Established Offences; or
- (ii) a Tribunal has previously imposed a penalty in respect of another Established Offence arising out of the same behaviour by the Respondent,

then the Tribunal may impose a single penalty based on the maximum penalty for any one of the Established Offences or it may separately apply a penalty for each of the Established Offences.

(e) If:

- (i) the penalty imposed for two or more Established Offences is or includes a period of suspension in each case; or
- (ii) the Respondent is already serving a period of suspension imposed under these rules,

then the Tribunal may order that the suspensions be served concurrently or cumulatively or partly concurrently and partly cumulatively. The tribunal may also choose to suspend a sentence for a period of time at their discretion.

(f) If:

- (i) the penalty exceeds the duration of the tournament, the Tournament Technical Committee may decide to alter the penalty from games to weeks after the tournament concludes, at their discretion.

(g) The Tribunal may take into account the Respondent's disciplinary record when imposing a penalty. It may, for example:

- (i) treat the fact that the Established Offence is the Respondent's first offence as a factor in mitigation of penalty; or
- (ii) treat the fact that the Established Offence is not the Respondent's first offence as a factor justifying the imposition of a greater penalty.

(h) If the Established Offence is "Coaching, refereeing, playing or performing scorebench duties while under suspension":

- (i) the penalty imposed must be or include a suspension of at least 1 game; and
  - (ii) the Tribunal cannot order that the suspension be served concurrently.
- (i) If the penalty is or includes a period of suspension, then unless the Tribunal orders otherwise, the period of suspension begins on the next day after the date of the hearing.
  - (j) The Tribunal must announce the penalty at the hearing.

#### *1.13 Notification and application of penalty*

- (a) This rule applies if a Tribunal decides to impose a penalty.
- (b) The Tribunal must notify the Tribunal's decision to:
  - (i) the Respondent; and
  - (ii) the Respondent's Association.
- (c) The Tournament Technical Committee and BQ may notify the Tribunal's decision to any other person and may publish details of the Tribunal's decision in any manner they think fit (for example, on BQ's website).
- (d) If the penalty is or includes a period of suspension and the Respondent is a Registered Player or a Registered Coach/Manager, then for the purposes of these rules the Respondent is taken not to be a Registered Player or a Registered Coach/Manager for the period of the suspension.
- (e) If the penalty is or includes a period of suspension for a designated period of time, it is reckoned by the calendar.

#### *1.14 Appeals*

Part 5 of BQ's "Queensland Basketball Model Disciplinary Tribunals By-law" applies for all appeals.