



PENALTY AND APPEALS ADVICE

RESULT OF TRIBUNAL HEARING DATED: / /201

NAME:TEAM:
.....

CHARGES

Table with 3 columns: Charge number (1-6), Description, and Verdict (GUILTY/NOT GUILTY).

PENALTY

Suspension

You have been suspended for weeks.
You may resume playing on or after / /201

Whilst under suspension, you are not permitted to play, coach, referee or undertake scorebench duties in a competition or participate in other activities conducted by Basketball Victoria or any of its affiliated associations or governing or delegated bodies. You may not have any contact or communication of any kind with any of your team for 15 minutes prior to game time until its completion. Unless you are banned from venues, you may attend your team's matches but must sit on the side of the court opposite the players' bench. The suspension is also recognised Australia wide.

Banned from Venues

You have been banned from entering any venue in which basketball is conducted under the auspices of Basketball Victoria or any of its associations until / /201 . You may not enter any of these venues for any reason. This ban is also recognized Australia wide.

Fine:

You/your team have been fined \$..... payable in weeks. The fine must be paid to the Association that conducts the competition your team was playing in.

Bond:

You/your team have been placed on a bond of \$ to be of good behaviour for months from this date payable in weeks. This must be paid to the Association that conducts the competition your team was playing in.

ANY BREACH OF THESE PENALTIES MAY LEAD TO FURTHER PENALTIES. FOR APPEAL RIGHTS SEE OVER

APPEAL RIGHTS FROM A BASKETBALL TRIBUNAL

INTRODUCTION

Basketball Victoria has made By-laws which regulate Tribunals and rights of appeal from tribunal findings. These By-laws apply to all persons involved in basketball in competitions conducted by Basketball Victoria or any of its affiliated associations. They apply not just to players, but to officials and spectators and anyone else involved in the game. A copy of the By-laws may be accessed through your association or Basketball Victoria. They are made by the State Conference of Basketball Victoria which has representatives from all affiliated associations. The By-laws are designed to allow a fair and independent hearing of cases. **An appeal may mean an increase in penalty on a rehearing.**

GROUNDINGS FOR APPEAL

Appeals are heard under Part 5 of the Tribunal By-laws. You may only appeal on the grounds that:

- **Significant new or additional evidence has become available**

You must ensure that the nature of the new evidence you wish to present is significant and relevant to the Tribunal's findings. The new evidence must be provided in documentary form, preferably by Statutory Declaration, and you must show how this would have changed the Tribunal's original decision if it had been available to the Tribunal at the original hearing. Issues of referee misconduct are generally not grounds for appeal but must be dealt with by a Referee's Tribunal.

- **The penalty imposed by the Tribunal is outside the range allowed for the offence under the By-laws**

Offences under the By-laws have a maximum penalty which may be imposed. The range of penalties may be found in Part 4 of the Tribunal By-laws. You only have a ground for appeal if the penalty imposed on you exceeds the maximum allowed. Comparisons with penalties imposed in other Tribunal hearings do not give a ground for appeal because each hearing has different circumstances which the Tribunal must take into account.

- **The Tribunal failed to follow the procedures required of it under the Tribunal By-laws to your significant detriment**

You must establish both that the procedures have been breached and that you have suffered a significant detriment by the breach. A mere breach will not be sufficient to give you a ground of appeal. Your appeal documents should clearly identify the By-law that it is alleged was breached, the circumstances that constitute the breach and how you have suffered a detriment as a result.

LODGEMENT OF THE APPEAL

You must lodge your appeal in writing with the Hearings Officer of your regional Tribunal. The Hearings Officer's address is The Hearings Officer will forward your appeal with all other relevant papers to the Appeals Officer at Basketball Victoria. **The by-laws require the appeal to be lodged within 14 days of the hearing.** Lodging an appeal in any other manner will result in delays in deciding on your appeal.

Generally, you should expect a written result of your appeal within 10 working days of lodgement. If you have included your home address in the appeal documents, the notification on the appeal will be sent to your home. Otherwise, the notification will be sent to the Hearings Officer of your regional Tribunal, which may result in further delay.