

## **DISCIPLINARY BY-LAW – LITTLE SHIP CLUB QUEENSLAND SQUADRON**

In accordance with clause 8.3 of the Constitution of Little Ship Club Queensland Squadron, this By-Law is adopted by the Board.

In this By-law the Little Ship Club Queensland Squadron shall be referred to as "the Club".

This By-Law provides for disciplinary action against Members.

### **1 ESTABLISHMENT OF DISCIPLINARY PANEL**

- 1.1 The Board may establish a Disciplinary Panel as required to deal with all disciplinary actions against Members, breaches of any Codes of Conduct and other matters under the Constitution of the Club.

### **2 COMPOSITION OF DISCIPLINARY PANEL**

- 2.1 A Disciplinary Panel of up to a maximum of six (6) persons may be appointed by the Board for the purpose of hearing disciplinary actions and other matters under this By-Law. The Board shall also appoint a member of the Disciplinary Panel to act as the Chairperson. Where possible, the Chairperson shall be a Lawyer. 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 Members of the Board and Honorary Life Members may be appointed to the Disciplinary Panel.
- 2.3 A person that 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 Board 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 Board or any other duly authorised committee which is not of a minor nature;
  - (b) breached any Codes of Conduct of Club;
  - (c) acted in a manner unbecoming of a Member in a manner prejudicial to the objects and interests of the Club; or
  - (d) brought the Club into disrepute.

the Board shall determine to:

- (e) dismiss the matter;
- (f) determine it to be a minor matter and refer it pursuant to clause 4;
- (g) refer the matter to the Disciplinary Panel pursuant to clause 5; and/or
- (h) conduct the member's disciplinary breach itself in accordance with the Club's constitution.

#### **4 MINOR MATTERS**

- 4.1 For minor matters which would not lead to termination of the membership of the Member, the Board may delegate authority of the Secretary or Manager to deal with the minor matter. Pursuant to the Club's constitution and in accordance with the By-Law in the event that the matter is delegated to the Secretary or Manager the provisions of this Disciplinary Procedures By-Law shall not apply to that matter. There shall be no right of appeal from the decision of the Secretary or Manager.

#### **5 DISCIPLINARY PANEL PROCESSES RE MEMBERS**

- 5.1 The Board 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.
- 5.2 The Secretary or Manager of the Club shall, as soon as practicable following the appointment of a Disciplinary Panel, serve on the Member a notice in writing:
- (a) setting out the specific details of the alleged breach by the Member;
  - (b) setting out the facts and grounds on which the alleged breach is based;
  - (c) stating that the Member or representative may address the Disciplinary Panel at a hearing to be held not earlier than 7 days and not later than 28 days after service of the notice;
  - (d) stating the date, place and time of that hearing;
  - (e) informing the Member that they may do one or more of the following:
    - (i) attend the hearing;
    - (ii) give the Disciplinary Panel, before the date of that hearing, a written statement regarding the alleged breach.
  - (f) informing the Member that if they do 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 their absence.
- 5.3 Despite Rule 5.2(f) of this By-Law, the hearing may be held at any other time that the Chairperson of the Disciplinary Panel and the Member agree.
- 5.4 At a hearing of the Disciplinary Panel, the Disciplinary Panel shall:

- (a) give the Member every opportunity to be heard;
  - (b) give other aggrieved parties and any witnesses the right to be heard, present evidence or submit a written statement;
  - (c) give due consideration to any written statement submitted by the Member; and
  - (d) by resolution determine whether the alleged breach occurred.
- 5.5 The Club and the Member may be entitled to any representation (legal or otherwise) at the hearing as determined by the Chairperson.
- 5.6 The Disciplinary Panel shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) and shall determine what evidence shall be admissible at the hearing, provided that it does so in accordance with the principles of natural justice.
- 5.7 The Disciplinary Panel will make its decision immediately following the conclusion of the hearing if possible, but otherwise it shall inform the Member and the Secretary Manager of its decision within seven (7) days of the hearing.
- 5.8 If the Disciplinary Panel considers that the alleged breach did not occur, the matter shall be dismissed.
- 5.9 If the Disciplinary Panel considers that the alleged breach occurred, it may impose any one or more of the penalties set out in Rule 6 of this By-Law.
- 5.10 The Disciplinary Panel shall not be required to but may provide reasons for its decision.
- 5.11 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.

## **6 PENALTIES**

- 6.1 If the Disciplinary Panel considers that the alleged breach occurred, the Disciplinary Panel may impose any one or more of the following penalties:
- (a) impose a warning;
  - (b) direct the Member to make a verbal or written apology;
  - (c) where there has been damage to property, direct that the Member pay restitution to the relevant person or organisation that controls or has possession of the damaged property;
  - (d) withdrawal of any awards, placings, records or achievements bestowed upon the Member in any tournaments, activities or events held or sanctioned by the Club;
  - (e) direct that any rights, privileges and benefits provided to the Member by the Club be suspended for a specified period and/or terminated;

- (f) reprimand the Member;
- (g) suspend the Member from membership of the Club for a specified period;
- (h) expel the Member from membership of the Club;
- (i) impose a suspended penalty; or
- (j) any other such penalty that the Disciplinary Panel considers appropriate.

## **7 APPEAL**

- 7.1 There shall be a right of appeal against the decision of the Disciplinary Panel.
- 7.2 An Appeal Tribunal of three (3) persons may be appointed by the Board as required for the purpose of hearing appeals against disciplinary actions. The Board shall appoint a member of the Appeal Tribunal to act as the Chairperson. Where possible, the Chairperson shall be a Lawyer or a person with experience in hearing disciplinary matters and there shall be at least one Honorary Life Member on the Appeal Tribunal.
- 7.3 The Appeal Tribunal shall not include any members of the Disciplinary Panel who initially heard the matter.
- 7.4 The appeal shall be conducted as determined by the Appeal Tribunal having regard to the principles of natural justice.
- 7.5 The decision of the Appeal Tribunal is final and binding.